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TABLE OF CONTENTS

December 11, 1998 Volume 22, Issue 50

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Department Of Children And Family Services Scholarship Program	
89 Ill. Adm. Code 312	21140
FIRE MARSHAL, OFFICE OF THE STATE	
Policy And Procedure Manual For Fire Protection Personnel	
41 Ill. Adm. Code 140	21147
Storage, Transportation, Sale, And Use Of Liquefied Petroleum Gas	
41 Ill. Adm. Code 200	21217
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
National Affordable Housing Act (HOME) Program	
47 Ill. Adm. Code 371	21221
HUMAN SERVICES, DEPARTMENT OF	
Aid To The Aged, Blind Or Disabled	
89 Ill. Adm. Code 113	21226
Food Stamps	
89 Ill. Adm. Code 121	21228
POLLUTION CONTROL BOARD	
Primary Drinking Water Standards	
35 Ill. Adm. Code 611	21239
Standards For New Solid Waste Landfills	
35 Ill. Adm. Code 811	21276
PROFESSIONAL REGULATION, DEPARTMENT OF	
Acupuncture Practice Act	
68 Ill. Adm. Code 1140	21293

ADOPTED RULES

BANKS AND REAL ESTATE, OFFICE OF	
Real Estate Appraiser Certification	
68 Ill. Adm. Code 1455, Repeal	21300
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Extensions Of Jurisdiction	
80 Ill. Adm. Code 305	21302
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Employee Conflict Of Interest	
89 Ill. Adm. Code 437	21306
Services Delivered By The Department	
89 Ill. Adm. Code 302	21314

FIRE MARSHAL, OFFICE OF THE STATE

Fire Prevention And Safety

41 Ill. Adm. Code 10021330

Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances

41 Ill. Adm. Code 17021339

GOVERNOR, OFFICE OF THE

Office Of The Governor Procurement Rules

44 Ill. Adm. Code 150021352

LIEUTENANT GOVERNOR, OFFICE OF THE

Office Of The Lt. Governor's Procurement Rules

44 Ill. Adm. Code 160021422

PUBLIC AID, DEPARTMENT OF

Hospital Services

89 Ill. Adm. Code 14821490

PUBLIC HEALTH, DEPARTMENT OF

Illinois Plumbing Code

77 Ill. Adm. Code 89021540

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 10021623

Retailers' Occupation Tax

86 Ill. Adm. Code 13021642

Use Tax

86 Ill. Adm. Code 15021670

EMERGENCY RULES

HUMAN SERVICES, DEPARTMENT OF

Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 11321750

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of December 15, 199821758

Second Notices Received21764

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

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Aug. 17, 1998	35	Aug. 28, 1998
Aug. 24, 1998	36	Sept. 4, 1998
Aug. 31, 1998	37	Sept. 11, 1998
Sept. 8, 1998*	38	Sept. 18, 1998
Sept. 14, 1998	39	Sept. 25, 1998
Sept. 21, 1998	40	Oct. 2, 1998
Sept. 28, 1998	41	Oct. 9, 1998
Oct. 5, 1998	42	Oct. 16, 1998
Oct. 13, 1998*	43	Oct. 23, 1998
Oct. 19, 1998	44	Oct. 30, 1998
Oct. 26, 1998	45	Nov. 6, 1998
Nov. 2, 1998	46	Nov. 13, 1998
Nov. 9, 1998	47	Nov. 20, 1998
Nov. 16, 1998	48	Nov. 30, 1998
Nov. 23, 1998	49	Dec. 4, 1998
Nov. 30, 1998	50	Dec. 11, 1998
Dec. 7, 1998	51	Dec. 18, 1998
Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

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December 1998 - 700 - GA-464

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Department of Children and Family Services Scholarship Program
- 2) Code Citation: 89 Ill. Adm. Code 312
- | Section Numbers: | Proposed Action: |
|------------------|------------------|
| 312.10 | New |
| 312.20 | New |
| 312.30 | New |
| 312.40 | New |
| 312.50 | New |
| 312.60 | New |
| 312.70 | New |
| 312.80 | New |
| 312.90 | New |
| 312.100 | New |

4) Statutory Authority: 20 ILCS 505

5) A Complete Description of the Subjects and Issues Involved: These new rules describe eligibility requirements, the application and selection process, and financial provisions of the Department of Children and Family Services Scholarship Program.

6) Will these proposed rules replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: The rules do not create or expand a State Mandate as defined in Section 8 of the State Mandates Act [20 ILCS 505].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TDD: (217) 524-3715
Internet address: ORPINFO@pop.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not foresee the need for this rulemaking when it submitted its two most recent regulatory agendas.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 312
 DEPARTMENT OF CHILDREN AND FAMILY SERVICES SCHOLARSHIP PROGRAM

Section	Purpose
312.10	Definitions
312.20	Description
312.30	Eligibility Requirements
312.40	Application
312.50	Selection
312.60	Service Planning
312.70	Monitoring
312.80	Financial Provision
312.90	Discharge from the Scholarship Program
312.100	

AUTHORITY: Implementing and authorized by Section 8 of the Children and Family Services Act [20 ILCS 505/8].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

Section 312.10 Purpose

The purpose of this Part is to describe eligibility requirements, the application and selection process, and financial provisions of the Department of Children and Family Services Scholarship Program.

Section 312.20 Definitions

"Accredited high school", as used in this Part, means any high school that has met all compliance rules and regulations as required by the State of Illinois.

"ACT" means American College Test.

"Adopted child" means a child for whom the Department was legally responsible immediately before the adoption was finalized.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or guardianship via court order or children whose parent has signed an adoptive surrender or voluntary placement agreement with the Department.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

"Department" means the Department of Children and Family Services.

"GED" means General Educational Development diploma.

"SAT" means Scholastic Aptitude Test.

"Subsidized Guardianship Program" means a child welfare demonstration project that offers a financial subsidy to relative care, or licensed foster home caregivers that are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in 89 Ill. Adm. Code 302.405, Subsidized Guardianship.

Section 312.30 Description

The DCFS Scholarship Program provides a maximum of 48 scholarships each year, four of which are awarded to children of veterans. Scholarship recipients receive four consecutive years of supplemental services and maintenance payments that will include annual tuition and fee waivers if the student attends an Illinois State college or university. Scholarships do not cover room, board, or dormitory fees. Students may attend other colleges or universities, if scholarships are awarded them, and receive the same maintenance benefits as those students attending State-supported colleges or universities.

Section 312.40 Eligibility Requirements

Applicants must meet the following criteria in order to be considered for a DCFS scholarship:

- the applicant must be a current year graduate of an accredited high school or a GED recipient;
- the Department must have court-ordered legal responsibility for the applicant, or the Department must have had legal responsibility for the applicant immediately prior to the adoption being finalized, or the applicant must be in the Subsidized Guardianship Program;
- if applicable, the permanency goal for the applicant must be independence;
- the applicant must have applied for appropriate scholarships and benefits (e.g., Illinois State Scholarship Commission Grant, Basic Educational Opportunity Grant, Supplemental Educational Grant, Work Study and National Defense Student Loans, Social Security, and Veterans Benefits); and
- the applicant must be able to provide approximately one third of his/her basic living costs from earned income, unearned income, other scholarships, or savings.

Section 312.50 Application

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- a) The application package will contain the following:
- 1) Scholarship Program Student Application;
 - 2) social history and statement of qualifying characteristics;
 - 3) transcript of high school grades or copy of GED;
 - 4) ACT or SAT test scores;
 - 5) three letters of recommendation from persons unrelated to the applicant; and
 - 6) Federal financial aid application form (copy of first page).
- b) Other supporting documentation may be attached to the application at the discretion of the applicant.
- c) Applications are due to the Scholarship Coordinator by the second Monday in March.

Section 312.60 Selection

The Scholarship Awards Committee, which is comprised of the Scholarship Coordinator and one representative appointed annually by the Regional Administrator from each of the Department's six regions, shall select scholarship recipients on the basis of the student's eligibility, scholastic record and aptitude, community and extracurricular activities, interest in higher education, and social history. Each area of consideration will have equal value, and a composite score (one through ten), supplemented with comments, will be assigned to the application by each committee member. Applications will be divided into two groups, Department wards and adoption/subsidized guardianship youth. The 24 highest scoring applicants from each group will be awarded scholarships.

Section 312.70 Service Planning

A service plan will be developed with each scholarship recipient for whom the Department has legal responsibility. At a minimum, plans will be reviewed every six months or at the beginning of each academic quarter or semester.

Section 312.80 Monitoring

Students are required to provide the Department with the following information in order to maintain their scholarships:

- a) Transcripts
Transcripts must be submitted at the end of each academic semester or quarter. Students must maintain a "C" grade point average.
- b) Academic Credit Hours
Students must carry a minimum of 12 credit hours each semester or quarter.
- c) Financial Aid
Students are required to reapply for financial aid annually.
- d) Community College
Students must transfer to a four-year college or university after two years.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Section 312.90 Financial Provision

- a) Tuition and Fee Waiver
If the student attends an Illinois State college or university and does not have a tuition or fee scholarship from another source, the Scholarship Coordinator will request a waiver of tuition and fees.
- b) Direct Payment to Student
Grant payments are made directly to the student by mail and may not exceed \$250 monthly.
- c) Initial Expenses
Initial expenses related to setting up a household may be partially subsidized by the Department (maximum \$200).
- d) Start-Up Grant
Students may apply for a start-up grant of \$250.
- e) Regular Payments
Regular monthly grant payments will become effective the first day the student is at school and terminate at the end of the academic school year, unless the student attends summer school.
- f) Summer Payments
Grant payments may continue through the summer months if the student is enrolled in summer school and maintaining an academic load of six credit hours.
- g) Medical and Dental Payments
Youth who are the legal responsibility of the Department are eligible for a Medicaid card while attending college.
- h) Fee and Book Payments
When it is documented that the student does not have sufficient resources to purchase required text books and/or pay student fees, and the Department has legal responsibility for the student, the Department may make these payments.
- i) Guardianship Termination or Marriage
Termination of guardianship or marriage followed by guardianship termination does not terminate a four-year scholarship.
- j) Change of Address
Students must keep their address current with the Department in order to receive grant payments.

Section 312.100 Discharge from the Scholarship Program

Students will be discharged from the scholarship program for the following reasons:

- a) completion of a bachelor degree program or four years in the scholarship program;
- b) failure to enroll in school;
- c) failure to maintain a "C" grade point average;
- d) failure to maintain an academic load of 12 credit hours each semester or quarter;
- e) withdrawal from school without good cause; or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- f) dismissal from school due to disciplinary reasons.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Policy and Procedure Manual for Fire Protection Personnel

- 2) Code Citation: 41 Ill. Adm. Code 140

- 3) Section Numbers:

Proposed Action:

140.2	Amendment
140.8	Amendment
140.12	Amendment
140.13	Amendment
140.15	Amendment
140.16	Amendment
140.50	Amendment
140.55	Amendment
140.60	Amendment
140.65	Amendment
140.70	Amendment
140.71	Added
140.80	Amendment
140.90	Amendment
140.110	Repealed
140.130	Amendment
140.140	Amendment
140.150	Amendment
140.160	Repealed
140.171	Amendment
140.172	Added
140.180	Amendment
140.185	Amendment
140.190	Amendment
140.200	Amendment
140.210	Amendment
140.215	Amendment
140.220	Amendment
140.225	Amendment
140.230	Amendment
140.232	Amendment
140.234	Amendment
140.236	Repealed
140.238	Amendment
140.240	Amendment
140.241	Amendment
140.242	Amendment
140.243	Amendment
140.245	Amendment
140.246	Amendment
140.247	Added
140.300	Amendment

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

140.305 Amendment
140.315 Amendment
140.320 Amendment
140.325 Amendment
140.390 Amendment

4) Statutory Authority: 50 ILCS 740/8 and 20 ILCS 2910

5) A Complete Description of the Subjects and Issues Involved: These amendments update programmatic requirements and change the number of hours that certain training will qualify for reimbursement.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules do not impose a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
(217) 785-1031

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rule impacts municipal fire departments seeking certification and grants-in-aid for training.

B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are added. By changing which areas receive reimbursement funding, some record keeping will be simplified.

C) Types of Professional Skills necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

not included on either of the 2 most recent agendas because: The Office did not anticipate this rulemaking at the time of the most recent agendas.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 140

POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

Section	
140.1	Authority Notes
140.2	Definitions
140.3	Applicability of Part 140
140.4	Program Goals (Repealed)
140.8	State Examinations
140.10	Division Responsibilities (Repealed)
140.11	Resources Required for Certification as a Provisionally Approved Training Facility
140.12	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
140.13	Certificates Earned by Bypass Examination
140.15	Course Approval
140.16	Examination Procedures for End-of-Course Exams Not Administered by the Office
140.18	Course Approval Equivalency
140.20	Requirements for Participation
140.25	Course Approval Standards
140.30	Developmental Sequence (Repealed)
140.40	Certified Firefighter I (Repealed)
140.50	Certified Firefighter II
140.55	Airport Firefighter
140.60	Certified Firefighter III
140.65	Certified Fire Apparatus Engineer
140.70	Fire Officer I
140.71	Fire Service Executive Support
140.80	Fire Officer II
140.90	Fire Officer III
140.100	Instructor (Repealed)
140.110	Interim Instructor
140.120	Special Instructor (Repealed)
140.130	Fire Service Instructor I
140.140	Fire Service Instructor II
140.150	Fire Service Instructor III
140.160	Fire Service Instructor IV
140.170	Airport Firefighter (Repealed)
140.171	Fire Prevention Officer
140.172	Juvenile Firesetter Intervention Specialist
140.180	Public Fire and Life Safety Educator II
140.185	Public Fire and Life Safety Educator III
140.190	Bypass Examination

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

140.200	Fire Investigator
140.210	Arson Investigator
140.215	Fire Inspector and Plan Examiner II
140.220	Fire Inspector and Plan Examiner III
140.225	Hazardous Materials First Responder-Awareness
140.230	Hazardous Materials First Responder-Operations
140.232	Hazardous Materials Technician
140.234	Chemistry of Hazardous Materials
140.236	Hazardous Materials Refresher Training (Repealed)
140.238	Hazardous Materials Incident Command
140.240	Rescue Specialist-Roadway Extrication
140.241	Confined Space/Trench Rescue Awareness
140.242	Rescue Specialist - Confined Space
140.243	Rescue Specialist - Trench
140.245	Rescue Specialist - Vertical I/Ropes and Rigging
140.246	Rescue Specialist - Vertical II/High Angle
140.247	Rescue Specialist - Structural Collapse Awareness
140.250	Hazardous Materials Specialist (Repealed)
140.300	Rules and Regulations for Reimbursement Funding
140.305	Prerequisites for Participation for Reimbursement Funding
140.310	Requirements
140.315	Claim Forms
140.320	Claim Deadline
140.325	Amount of Reimbursement
140.350	Appropriations
140.360	Advanced Training Programs
140.370	Funding Hours (Repealed)
140.380	Prerequisites Necessary to Qualify an Individual for Reimbursement Funding
140.390	Advisory Committees
140.400	Invalidation of a Student's State Examination Score
140.420	Appeals Process

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993, for a maximum of 150 days; emergency expired on November 26, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

amended at 21 Ill. Reg. 8211, effective July 1, 1997; amended at 22 Ill. Reg. 1314, effective December 23, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 140.2 Definitions

Definitions are those which follow, unless the context requires otherwise:

"Accredit" means to supply with credentials or authority; authorize; certify as meeting a prescribed standard.

"Accreditation" means the act of accrediting or the state of being accredited, especially the granting of approval to an institution of learning by an official review board after the school has met specific requirements.

"Act" means the Illinois Fire Protection Training Act.

"Certification" means the official documentation presented by the Division of Personnel Standards and Education to eligible firefighters after successful completion of a series of assigned tasks, both cognitive and psychomotor. This certificate is the award for the completion of tasks, such as a school diploma, and as such, remains in the possession of the individual. Applicable State of Illinois regulations apply in case of misdemeanor, felony or other unlawful acts that may have occurred in the accomplishment of standards to reach certification.

"Fire Brigade" means an entity, privately owned, possessing those resources necessary for fire suppression in their own premises.

"Fire Department" means an entity, public or private, possessing those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

"Fire protection personnel" and "firefighter" mean any person engaged in fire administration, fire prevention, fire suppression, fire education and arson investigation, including any permanently employed trainee or volunteer firefighter, whether or not such person, trainee or volunteer is compensated for all or any fraction of his/her time. (Section 2 of the Act)

"Fire Service experience" means a fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department excluding clerical.

"IFSTA" means International Fire Service Training Association, Oklahoma State University, Stillwater, Oklahoma 74074; pamphlet or

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Local governmental agency" means any local governmental unit or municipal corporation in this State.

"Maximum reimbursable funding" means the number of hours for which the office will reimburse for training of an individual; this is in addition to tuition and other fees as later described in these rules.

"Member" means an individual engaged by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of their time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Office" means the Office of the State Fire Marshal.

"School" means any school located within the State of Illinois, whether privately or publicly owned, which offers a course in fire protection training or related subjects and which has been approved by the Office.

"Trainee" means a recruit firefighter required to complete initial minimum basic training requirements at an approved school to be eligible for permanent employment as a firefighter.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 140.8 State Examinations

Except as otherwise noted in this Part, all State written examinations will be developed, provided, and administered by Office personnel. Local instructors desiring to schedule State state examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing. Instructors requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby which might interfere with the need for a quiet area for taking written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the exam must be adhered to:

- 1) Candidates not present in the room at the time the proctor starts the exam will be disqualified from taking the exam.
 - 2) There can be nothing on the walls at test site that could pertain to exam questions.
 - 3) Test administrator must be provided a table at least 6 feet in length.
 - 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
 - 5) The department hosting the test must supply a representative from the department at the test site during the exam. This will be the only representative of the department allowed in the test room at the time of the test.
 - 6) Test site must have toilet facilities in proximity in the same building.
 - 7) All candidates must be in clear view of the proctor's table.
 - 8) The test site must have temperature control for comfort of candidates.
- b) Passing rate for all written certification examinations will be 70% of the test, overall.
- 1) Firefighter II and Firefighter III exams including Hazardous Materials Awareness and Hazardous Materials Operations, respectively, will require 70% overall passing rate for each module ~~Module-E~~ or for the entire exam.
 - 2) Seventy percent pass rate shall also be required of the Hazardous Materials Awareness and Hazardous Materials Operations sections of these exams to qualify for certification.
- c) Examination results will be sent to the individual taking the examination, the chief of the individual's fire department and when applicable, the school which provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release the examination scores of any individual without the prior written approval of the individual.
- d) State certifications for qualified fire service personnel may be awarded to individuals employed both by local governmental agencies, fire brigades and the State of Illinois employees, after successful completion of all requirements.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

e) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.

f) Procedure to Request State Administered Certification Exam.

- 1) At least 30 days prior to the anticipated day for testing at a given fire department or school, the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief or School Director and the Certified Instructor, which will attest to the fact that each individual has:

- A) A documented learning experience in each of the subject areas of the course required;
- B) Satisfactory scores on all local examinations; and
- C) Demonstrated the proficiency required in each skill requirements for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an officer of the fire department or his designee in the accomplishment of these skills; and that local records are maintained which contain copies of the evaluator's checklists and evaluation sheets for each individual.

- 2) In the case of State required practical exams, a Validation Sheet shall ~~copy-of-the-evaluator's-checklist-or-Practical-Examination~~ be submitted to the Division before certificates will be issued.

- g) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-subject written examinations of fire departments and approved schools ~~community-colleges~~ which show satisfactory learning experiences and scores are recognized as satisfying the learning experience requirements.
- h) Persons who have not met all prerequisites listed in subsection (e) above, will not be examined. Nor will persons who are ill, or obviously under the influence of drugs or alcohol, persons on duty who may be called out during the examination. In making the determination of such impairment, the Office will consider, but is not limited to, observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would benefit in making such determination.
- i) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators, and slide rules. The only paper allowed in the test center is a tablet which will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination. Persons should be advised at the beginning of the examination that no one will be allowed to leave the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".

j) Results of examinations taken for the purpose of State certification will be retained in the individual training record file maintained for each individual in the Office. All participants who receive certification will have notification of successful completion sent to their department.

k) Re-examination.
1) No person shall be re-examined without further documented learning experiences in each of the subject areas, which will be attested to by the Verification Sheet.

2) The Request for Examination form contains an attestation that proof exists that the individual has had the required additional learning experience before re-examination.

3) ~~In the case of failure, individuals must wait 60 days before retaking the State-written examination of that level.~~

3) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a State certification examination.

4) The battery of examination to be given will be determined by the Office.

l) Practical skill exams required by the Office for Fire Apparatus Engineer, Hazardous Materials and Rescue Specialist certifications remain valid for 12 months. If an individual has not passed the written exam within 12 months of the practical skills evolutions, the candidate will be required to retake the State practical exam.

1) Passing rate of Fire Apparatus Engineer practical exam is 70%.
2) Passing rate of all other practical skill examinations shall be 100%.

3) After the practical skill examination is completed and scored, the Validation Sheets ~~examination--answer--key--and/or--the validation-and-attestation--sheets~~ shall be sent to the Office for inclusion in the student's file.

4) Certification will not be granted until both the State written exam is successfully passed and the Validation Sheet ~~answer--key~~ for the practical exam is submitted to the Office ~~with--passing rate~~.

m) State required practical skills evolutions for Firefighter II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to set standards and assure currency of skills.

n) If firefighters from a given fire department experience excessive or

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to visit the Division to discuss the department's training program, or may request a field visit for assistance.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility center must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

- a) Facilities:
 - 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
 - 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
 - 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
 - 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and
 - 5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies) and rescue which must include:
 - A) Structural fires;
 - B) Flammable Liquid fires;
 - C) LP and natural gas fires; and
 - D) Automobile fires.
- b) Apparatus:

Pumper apparatus, fully equipped as prescribed in NFPA No. 1901 (1991), "Automotive Fire Apparatus".
- c) Equipment:
 - 1) All current types and classes of portable fire extinguishers;
 - 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
 - 3) Ropes of assorted lengths, which can be used for rescue, rappelling and practicing knots and lashings;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 4) All equipment specified by NFPA No. 1901 (1991);
- 5) Salvage and overhaul equipment including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
- 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his training;
- 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;
- 8) Slide and/or overhead projector and a 16mm movie projector and screen;
- 9) Standard classroom equipment: chalk board, speaker's rostrum;
- 10) Protective clothing (one full set for each student) including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); and
- 11) Other instructional aids as may be needed such as, cutaways of equipment, models, flip charts.

d) Records and Established Procedures:

An established system of records maintenance that includes:

- 1) Training records which reflect who was trained, objectives of subject taught relating to Instructor Reference Manual, by whom, how, when and where conducted.
- 2) A system of evaluating the effectiveness of the class, the instructor and all participants including:
 - A) Testing technique utilized: oral, written, practical or combination; and
 - B) Performance appraisal and evaluation, such as: ranking, factor comparison, grading, graphic rating scale, checklist.
- 3) Individual training records which show when each person began training in each subject area, individual to whom responsible, the objective of his training, intermediate goals, performance criteria, ultimate goal and estimated completion date.
- 4) Records of training. The Office shall approve training records which contain the following:
 - A) Location of training.
 - B) Dates of training.
 - C) Name of Instructor - printed and signature.
 - D) Name of trainee - printed and signature.
 - E) Academic/practical training record.
 - F) Subject training record correlated to objectives.
 - G) Receipts of training expenses.
 - H) Schools shall document training.
- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section 140.13 Certificates Earned by Bypass Examination

- a) Certification at the level of Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, and Fire Investigator or Arson Investigator may be achieved after successful completion of a "Bypass Examination" in lieu of meeting the prerequisite of Firefighter II or Firefighter III, where required. The use of the Bypass Examination is limited to personnel not identified as fire protection sworn personnel. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a Firefighter Bypass Examination.
- b) If an individual is assigned to fire department suppression duties they must take and pass the Firefighter II exam before proceeding with advanced certifications.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

- a) Fire Departments:
 - 1) Fire departments must submit a "Course Approval Form" once each five years, ~~with the exception of Rescue Specialist~~. (See Sections 140.241, 242, 243, 245, 246.) New forms must be submitted if:
 - A) A new Fire Chief or School Director is employed, or
 - B) Additional course or courses are added to the training schedule.
 - 2) Forms are due January 1 and must be renewed by June 30 of the fifth year following approval. Approvals not renewed by June 30 will not be approved for that calendar year. Reimbursement funding will not be honored until the course approval is renewed.
 - 3) Approvals will be granted on a calendar year.
- b) Colleges, organizations, institutions and companies:
 - 1) "Course Approval Form" must be submitted once each five years with accompanying materials:
 - A) appropriate course correlation form
 - B) syllabi and course content; end-of-course exam; name and credentials of instructor
 - C) End-of-course exams, course syllabi and content shall be correlated to the Office established objectives.
 - 2) ~~Course approval extension forms may be used for the next four years if no changes are made in previously approved course~~
 - c) Instructor Requirements. Approval will be granted upon proof of the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

following: experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.

d) Validation Sheets/course course completion rosters must be submitted to the Office listing individuals who successfully completed course.

e) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements:

- 1) Provide for records of student attendance (i.e., a minimum of 80 per cent is required) and for student evaluations of the course.
- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
- 3) The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years for audit purposes.
- 4) Maintain complete student records of course completion and test scores.

A) If a course involves college credit, the student's transcript is the complete student record.

B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.

5) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.

f) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in this Part these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.16 Examination Procedures for End-of-Course Exams Not Administered by the Office

Certification of personnel, like all levels and subject areas in the State Training and Certification Program, is contingent upon the successful completion of competency-based examinations. Only those courses which conclude with a prescribed written, practical examination, or practice teaching examination, as where required, will be approved for reimbursement-funding. A minimum of 50 written examination fifty questions is required at the end of the course. Questions are to be developed by the school authority or teacher. All questions are to be keyed directly to the material contained in the course

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A 70% seventy-percent score is required to pass. School authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Since the purpose of the written exam is to test retention, open book and other similar exams are not acceptable. The end-of-course examination must use objective test items.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.50 Certified Firefighter II

The Illinois Firefighter II program meets or exceeds the Firefighter I level identified in NFPA 1001 (1997/1992). The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

a) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.

b) Funding hours. See Section 140.325.

1) A maximum of 450 hours is available for reimbursement-funding-the office will fund this level of training only one time

2) Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 fire fire protection personnel who are not required to pass the firefighter II examination due to the date of passage of the Ordinance qualify for reimbursement-funding three years from the date of the passage of the Ordinance

c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor and Fire Chief or his designee sign the Request for Examination Form.

d) Instructor Requirements.

1) This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level. Those portions of the Firefighter II Course that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.225(c)(3).

2) Departments lacking instructor-its are urged to apply for the interim instructor credentials during the first year of involvement in the program

e) Facility Certification and Delivery Systems.

1) The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.

2) See Section 140.15 for Course Approval.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1997 1992 edition. This standard is incorporated by reference and includes no later standards or editions.

g) Curriculum Subject Headings for Modular courses.

- 1) General Orientations.
- 2) Communications.
- 3) Fireground Operations.
- 4) Prevention, Preparedness, and Maintenance.
- 5) Hazardous Materials Awareness. (See Section 140.225.)

1) MODB5B-A-

- A) General/Orientation:
- B) Fire Behavior:
- C) Self-Contained-Breathing-Apparatus:
- D) Badders:
- E) Fire-Hose-and-Appiances:
- F) Personal-Safety:
- G) Portable-Fire-Extinguishers:

2) MODB5B-B-

- A) Water-Supply:
- B) Nozzles-Fire-Streams:
- C) Ventilation:
- D) Rescue:
- E) Emergency-Medical-Care:
- F) forcible-Entry:
- G) Overhaul:
- H) Building-Construction:

3) MODB5B-C-

- A) Communications:
- B) Sprinkler-Systems:
- C) Salvage:
- D) Fire-Prevention-Public-Education-and-Fire-Cause:
- E) Ropes:
- F) Hazardous-Materials-Awareness:

h) Firefighter II can be instructed in a series of modules. Examinations can be taken by module or by taking the complete examination.

~~Hazardous-Materials-Awareness-exams-may-be-taken-separately.~~

i) Depth of coverage of the subjects listed varies for each firefighter level.

j) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.

k) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

modular system.

1) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all three modules is required before certification will be granted. See Section 140.8(b)(2).

1) For Certification at Firefighter II, the firefighter trainee shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighter Professional Qualifications (1997 1992 edition), including ~~and the requirements defined in Chapter 2.~~ Competencies for the First Responder at the Awareness Level level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents; and NFPA 1500 (1997 edition), Standard on Fire Department Occupational Safety and Health Program, as it applies to Firefighter II.

2) It will be determined by the fire department officials when the education and training are to be received by the firefighter candidate.

3) It will be determined by the fire department officials when the education, training and experience requirements have been met to be awarded the Firefighter II certificate.

4) 3) All requirements of the Office shall ~~must~~ be met for each certification level before certificates will be issued. This includes passing the State written examination and practical examination exams and submission of the Validation Sheet to the Office ~~practical-examination-keys-of-the-appropriate-level.~~

m) State Certification Practical Skills Examination.

1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office.

2) Records and documented proof of such tests must be maintained by the department for audit purposes.

A) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.

B) Practical Skill Examinations.

i) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.

ii) The Validation Sheet shall be submitted ~~practical Examination--key--and-the attestation--must-be-returned~~ to the Division before certification will be issued.

iii) The practical skill evaluation and answer key shall be

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

retained in the employing fire department training files.

- n) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State examination. (See Section 140.8.)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.55 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (1994/1992), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

- a) Prerequisites.
- 1) Certification as a Firefighter II.
 - 2) Attainment of one year of experience in airport fire protection.
 - 3) Successful completion of the Airport Firefighter course, including the skill examination and passage of the State written examination.
 - 4) See Section 140.50(a).
 - b) Funding Hours. See Section 140.325.
 - c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. ~~The interim fire service instructor policy (see Section 140.110-interim-instructor)-is applicable to airports seeking to begin training for Airport Firefighter.~~
 - d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:
 - 1) File Course Approval Forms. See Section 140.15.
 - 2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:
 - A) A complete set of the IFSTA Training Manuals.
 - B) A classroom.
 - C) An airport firefighting vehicle.

- e) Curriculum Subject Headings.

- 1) Introduction.
- 2) Airport Familiarization for Response Aircraft Familiarization.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 3) Airport Familiarization.
- 4) Fire Suppression ~~Personnel Safety.~~
- 5) Extinguishing Agents, Systems and Appliances ~~Firefighting Equipment.~~
- 6) Strategies and Tactics for Rescue and Firefighting ~~Firefighting Operations.~~
- 7) Forcible Entry, Tools and Equipment ~~Communications.~~
- 8) Disaster Planning ~~Fire-Prevention.~~

f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 1994 1992 edition. This standard is incorporated by reference and includes no later standards or editions.

- g) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be done by independent evaluators, each using Office ~~identical~~ checklists which ~~have been approved by the office prior to its administration.~~ Psychomotor ~~skills~~ ~~checklists~~ ~~must be related to IFSTA 206 (1992) requirements to qualify for approval.~~ It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Airport Firefighter Instructor Reference Package for certification of Airport Firefighter for skill requirements. Validation Sheets shall be submitted to the Office before certification will be awarded. The practical skill evaluations and answer key shall be retained in the employing department training files ~~Answer keys for practical exams must be submitted before certification will be awarded.~~
- h) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.60 Certified Firefighter III

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter II level identified in the NFPA 1001 (1997/1992). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) See Section 140.50(a).
- 3) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Job descriptions and personnel records are examples of adequate proof.

- 4) Documented learning experiences in each of the 20 subject areas outlined in subsection (e) of this Section and contained in the Student Study Guide.

- 5) Documented demonstration of competence in all manipulative skills contained in the Student Study Guide.

b) Funding Hours. See Section 140.325 Maximum funding is 450 hours.

c) Instructor Requirements.

- 1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.

- 2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.

- 3) Those portions of the Firefighter III that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.230(d)(3).

d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:

- 1) Have access to an Unlimited Training Facility. See Section 140.12.

- 2) File necessary Course Approval Forms. See Section 140.15.

e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1997 1992 edition. This standard is incorporated by reference and includes no later standards or editions.

f) Curriculum Subject Headings for Modular Courses.

- 1) General Orientation.

- 2) Communications.

- 3) Fireground Operations.

- 4) Rescue Operations.

- 5) Prevention, Preparedness and Maintenance.

1) MODULAR-A-

- A) Fire-Department-Organization-

- B) Fire-Behavior-

- C) Self-Contained-Breathing-Apparatus-

- D) Badders-

- E) Fire-Hose-and-Appiances-

- F) Personal-Safety-

2) MODULAR-B-

- A) Water-Supply-

- B) Nozzles-and-Fire-Streams-

- C) Ventilation-

- D) Rescue-

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- B) Building-Construction-

- F) Emergency-Medical-Care-

- G) Overhaul-

3) MODULAR-C-

- A) Communications-

- B) Sprinkler-Systems-

- C) Ropes-

- B) Fire-Prevention-Public-Education-and-Fire-Cause-

- B) Hazardous-Materials-First-Responder-Operations-

g) State Certification Practical Skill Examination.

- 1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office. Records and documented proof of such tests must be maintained by the department for audit purposes.

- 2) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.

- 3) Practical Skill Examinations.

- A) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.

- B) The Validation Sheet shall be submitted to Practical Examination-Key-and-the-attestation-must-be-returned-to the Division before certification will be issued.

- C) The practical skill evaluations and answer key shall be retained in the employing fire department training files.

- h) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8.

- i) Firefighter III can be instructed in a series of modules. Examinations can be taken by module or by taking the complete exam. Hazardous Materials Operations exams may be taken separately.

- j) Depth of coverage of the subjects listed varies for each firefighter level.

- k) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.

- l) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken.

- m) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

must take the examination after each module. A passing grade on all modules is required before certification will be granted.

1) For Certification at Firefighter III, the student shall meet the job performance requirements in NFPA 1001, Standard for Firefighter Professional Qualifications, 1997 edition, including requirements defined in Chapter 3, Competencies of Responders to Hazardous Materials Incidents; and NFPA 1500, Standard on Fire Department Occupational Safety and Health Program, as it applies to Firefighter III.

2) Fire department officials will determine when the education and training are to be received by the firefighter candidate.

3) Fire department officials will determine when the education, training and experience requirements have been met to be awarded the Firefighter III certificate.

4) All requirements of the Office shall be met for each certification level before certificates will be issued. This includes passing the State written examination and practical examination and submission of the Validation Sheet to the Office. For Certification at Firefighter III, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighters Professional Qualifications (1992 edition), and the requirements defined in Chapter 3, Competencies for the Fire Responder at the Operational level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.

5) It will be determined by the Authority Having Jurisdiction when the education and training are to be received by the firefighter candidate.

6) All requirements as listed must be met for each certification level before certificates will be issued. This includes passing State-written exams and submission of practical examination keys of the appropriate level.

n) Refresher Training.

1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, 100 hours of reimbursable time per year will be funded by the Office for refresher training.

2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 60 hours of refresher training does not revoke the individual's certification since such certification has historically been seen as a personal achievement and maintenance of the certificate a personal commitment. Refresher training must encompass at least four subject areas annually to

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

claim for funding with the minimum intent to cover all subject areas at least once each five years.

3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.65 Certified Fire Apparatus Engineer

The Certified Fire Apparatus Engineer course is designed to meet a specialty need within the fire service. The program equals or exceeds the requirements of NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1993 edition.

a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) See Section 140.50(a) of this Part above.
- 3) Completion of the Certified Fire Apparatus Engineer course of two modules: pump operations and apparatus driving.
- 4) Pass State end-of-course written and practical skill examination.
- 5) Possess the appropriate class of driver's license in accordance with the Illinois Vehicle Code [625 ILCS 5].
- 6) Application for certification which includes attestation by Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught.

b) Funding. See Section 140.325 A maximum of 100 hours is available for reimbursement funding. No funding is available for repeat courses.

c) Instructor Qualifications. There is no Fire Apparatus Engineer program must: Instructor certification level. Persons planning to offer this

- 1) Be the Instructor of Record who must be an Instructor II and Certified Fire Apparatus Engineer.

2) When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.

d) Facility Certification and Delivery Systems.

- 1) Course Approval. (See Section 140.15.)
- 2) The course must be taught at an Unlimited Training Facility. (See Section 140.12.)

e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1993 edition. This standard is incorporated by reference and includes no later

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

standard or edition.

- f) State Certification Practical Skill Examination.
 - 1) The State practical skill examinations consist of a series of evolutions covering pumper operations and apparatus driving. Instructors should contact the Office for the practical skill package.
 - 2) All practical skill examinations must be administered by an Instructor II and Certified Fire Apparatus Engineer and observed by two additional persons assigned by the Fire Chief.
 - 3) After the practical examination is completed and scored by the Instructor, a copy of the hydraulics answer key and Validation Sheet shall must be sent to the Office for inclusion in the student's file before certification will be granted. The driving practical skill evaluations and answer key shall be retained in the employing department training files.
- g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State examination. Firefighter II certification is required before the Fire Apparatus Engineer examination may be taken. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. (See Section 140.8.)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.70 Fire Officer I

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021, Fire Officer Professional Qualifications (1997-1992), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

- a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter III.
- 2) See Section 140.50(a).
- 3) Attainment of four three years minimum fire service experience in a fire department.
- 4) Successful completion of the required three-semester credit (40 student-contact hour minimum) courses or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area of career hierarchy. Individuals--must have--courses--meeting--the-objectives-in-NFPA-1021--Fire-Officer-Professional-Qualifications-1992-edition--hereby-incorporated-by-reference--including-no-later-amendments-or-editions.
- 5) Experience Requirements.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.
- B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certificate attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.
- b) Funding Hours. A maximum of 324 hours is available for reimbursement with no more than 54 hours being allowed for any one of the courses required in subsection (a)(4) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding. See Section 140.325.
- c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.
 - 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 1997 1992 edition, Chapters 2 and 3.
 - 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.
 - 3) Course Approval Equivalency: See Section 140.18, Course Approval Equivalency. Documentation and proof necessary to establish course equivalency shall include but is not limited to:
 - A) Course titles or transcripts.
 - B) Syllabi and course outlines.
 - C) Test scores or grades.
 - D) College and Institute catalog course descriptions.
 - E) Other supporting material.
 - F) See Section 140.18(f).
- d) Instructor Requirements. See Section 140.200(d) for instructor

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

approval requirements.

e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for course approval requirements.
- 2) See Section 140.16 for end-of-course examination requirements.
- 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:
 - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
 - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
 - C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:
 - i) The Illinois Fire Chief's Association (IFCA).
 - ii) The Illinois Fire Inspector's Association (IFIA).
 - iii) The Illinois Society of Fire Service Instructors (ISFSI).
 - iv) The Illinois Firefighter's Association (IFA).
 - v) The Associated Firefighters of Illinois (AFFI).
 - vi) The Illinois Association of Fire Protection Districts (IAFPD).
 - vii) The Illinois Professional Firefighters Association (IPFA).
 - viii) The Illinois Fire Service Alliance (IFSA).

~~ix) The Illinois Fire--Prevention--Education--Association (IFPEA).~~

4) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.

f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1997 1992 edition. This standard is incorporated by reference and includes no later editions or amendments.

g) State Certification Written Examination - To be certified as a Fire Officer I, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

approved by the Office as meeting the criteria in Sections 140.15 and 140.16.

- 2) Written examination administered by the Office.
- 3) Exams shall be taken either by subject area or entire certification requirements. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.71 Fire Service Executive Support

Professional qualifications for Fire Service Executive Support are identified in NFPA 1021, Fire Officer Professional Qualifications (1997 edition). The Office recognizes the level of Fire Service Executive Support for those individuals who perform duties consistent with administrative support to the Chiefs/Administrators of fire departments.

a) Prerequisites. Fire Service Executive Support certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter II or successful completion of Bypass Examination. See Section 140.50(a).
- 2) Attainment of three years minimum fire service experience in a fire department.
- 3) Successful completion of Fire Service Executive Support courses contained in Fire Service Executive Support program, hereby incorporated by reference. Copy can be obtained from the Illinois Fire Chief's Secretaries Association, 455 West Dundee Road, Palatine, Illinois 60067.
- 4) Validation of skills shall be completed and attested to by Fire Chief/Administrator and submitted to the Office.
- 5) Certification will be granted after proof of passing all courses and currency of skill validation is submitted to the Office.

b) Instructor Qualifications. See Section 140.200(d).

c) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Executive Support Program will be required to receive facility certification.

- 1) See Section 140.15 for course approval requirements.
- 2) See Section 140.16 for end-of-course examination requirements.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 140.80 Fire Officer II

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021, Fire Officer Professional Qualifications (1997/1992),

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

hereby incorporated by reference. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70.)

a) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) See Section 140.50(a).
- 3) Five years minimum fire service experience in a fire department.
- 4) Successful completion of the identified 3-semester credit courses (40 student contact hours minimum), or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1997 1992 edition, hereby incorporated by reference and includes no later editions or amendments.

5) Experience Requirements.

- A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The Certified Instructor and Fire Chief must document the experience as a Fire Officer II or Fire Officer II trainee.
- B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.
- C) An individual must be a certified Fire Officer I to receive a Provisional Fire Officer II.
 - b) Funding Hours. A maximum of 324 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 54 hours being allowed for any one of the courses required in subsection (a)(4) of this Section. Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding. See Section 140.325.
 - c) Equivalent courses. See Section 140.70(c).
 - d) Instructor Requirements. See Section 140.70(d).
 - e) Facility Certification and Delivery Systems. See Section 140.70 (e).
 - f) Curriculum shall consist of courses covering knowledge and skill

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 1997 1992 edition. This standard is incorporated by reference and includes no later standard or edition.

g) State Certification - To be certified as a Fire Officer II, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.
- 2) Written examination administered by the Office.
- 3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.90 Fire Officer III

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1997/1992), hereby incorporated by reference. The Office identifies the Fire Officer III as a person who has administrative responsibilities, the authority to affect practices, policies, and procedures of the department, and is, or reports directly to, the chief, chief administrator or head of department.

a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained ten years minimum fire service experience in a fire department.
- 3) Successful completion of the Fire Officer III required courses or equivalent as established by Section 140.18, Course Approval Equivalency, including the following topics:
 - A) Introduction-
 - B) Communications-
 - C) Government Structures and The Political Arena-
 - D) Fire Department Operations and Administration-
 - E) Human Resource Administration-
 - F) Public Fiscal Planning and Administration-
 - G) Experience Requirements.
- 4) The applicant must have current administrative duties to be certified. Individuals applying with prior experience shall be evaluated individually. (See Section 140.50(a).)

B) Documentation of work experience as a Fire Officer III shall consist of:

- i) completion of a specified office checklist showing

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

completion of work experience related to objectives.

ii) the official job description of the applicant.

iii) an official, legible, definitive department organization chart on fire department letterhead, signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).

C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.

D) A person possessing a certificate as a provisional Fire Officer II may take Fire Officer III courses and receive funding for Fire Officer III courses. However, an individual must be certified as a Fire Officer II to receive a provisional Fire Officer III.

b) State Certification Written Examination - To be certified as a Fire Officer III, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

1) Written examination administered by the school. Exam must be approved by the office as meeting the criteria in Sections 140.15 and 140.16.

2) Written examination administered by the Office.

3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

c) Funding hours. A maximum of 400 hours is available for reimbursement with no more than 54 hours being allowed for any one of the 6 courses required in subsection (a)(3) of this section. Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding. See Section 140.325.

d) Equivalent courses. See Section 140.70(c).

e) Instructor Requirements. See Section 140.70(d).

f) Facility Certification and Delivery Systems. See Section 140.70(e).

g) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021 (1997/1992). A copy can be obtained from the Illinois Fire Chiefs Association, P.O. Box 7, Skokie, Illinois 60076. This standard is incorporated by

reference and includes no inter-editions or amendments.

h) Refresher training of up to 120 hours may be funded annually. Funding

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

documentation must be proof of completed class, course or seminar that meets the objectives of NFPA-1021 (1992). Funding will not be available for repeat courses. Refresher training must encompass at least three subject areas to claim for funding.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.110 Interim Instructor (Repealed)

a) The interim instructor is equivalent to the instructor candidate identified in NFPA-1041 (1991), hereby incorporated by reference. See Chapter I for requirements. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. An individual granted temporary (interim) certification is a person who serves as an instructor for fire departments without certified instructors, those engaged in training for Fire Service Instructor I certification.

b) Interim instructor certification will be granted to those individuals who have met the following qualifications:

1) are recommended and approved by their Fire Chief or Training Officer;

2) have demonstrated an interest and proficiency in instructing;

3) have a minimum of three years in a fire department;

4) agree to conditions stipulated by the Office in conducting training, controlling examinations, maintaining records and submitting reports;

5) agree that during this interim period they will complete all requirements for Fire Service Instructor I certification.

c) Interim instructor certificates authorize the recipient to teach firefighter II courses to personnel within their own fire department for a period of one year from the date of issue.

d) An extension of one year will be given to an individual who was not able to attend an instructor I course in the first year at a time or location which the person would be able to attend consistent with the person's employment. The maximum period for an individual to serve as interim instructor is two years.

e) One interim instructor may be authorized for each fire department.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 140.130 Fire Service Instructor I

a) Professional Qualifications for Fire Service Instructor I are identified in NFPA 1041 (1996), Chapters I, II and Appendix A, hereby incorporated by reference. When updating a certification program to a new edition of NFPA, or updating for another reason, instructor

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

quality is critical to the success of training. Due to the expanded skills in the courses, instructors should have to demonstrate competency, both written and practical, to teach a new course. The Office of the State Fire Marshal, Division of Personnel Standards and Education, is committed to providing professional development to the instructors in this area by providing measurable objectives and minimum course outline. For course quality reasons, only those instructors who can demonstrate knowledge of the course materials should be certified to teach the course.

b) All job performance requirements for any level of fire service instructor shall be performed to a level of competence that shall be established by the authority having jurisdiction.

The authority having jurisdiction shall:

1) Select instructors who have appropriate subject matter skill, knowledge and ability.

2) Establish a policy and process that identifies and verifies the minimum experience and training requirements necessary to instruct a topic or subject matter.

c) Fire Service Instructor I is defined as an instructor who has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized; and meet the record-keeping requirements of the authority having jurisdiction.

Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041--(1992)--Chapter 3, hereby incorporated by reference--the Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor--the Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic program--an instructor in the fire department who is authorized to teach courses in the firefighter if programs for State certification and to validate training records for these levels--A fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material.

d) Prerequisites. Fire Service Instructor I is granted to those individuals who have met the following qualifications:

- 1) Certification as a firefighter II.
- 2) Attainment of three years of documented cumulative fire service experience in a fire department.
- 3) Successful completion of the Instructor I course with a minimum of 40 hours meeting the minimum standards of instructional techniques equivalent to NFPA 1041, Fire Service Instructor Professional Qualification, 1996 edition. A State Teacher Certification Board Certificate is equivalent to the Instructor I course. (1992)--Chapter 27--or--State Teachers Certification--Board--State of Illinois--Teacher's-Certificat-

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Such certificate will be accepted only for certification for Fire Service Instructor, if all other certification requirements are met. A copy of the Teacher's Certificate must be submitted with a request for exam for Instructor I application for certification.

4) See Section 140.50(a) above.

e) Funding hours. See Section 140.325. A maximum of 54 hours is available for reimbursement funding--the Office will fund this level of education only one time--No funding is available for repeat courses--Candidates must be certified as a firefighter II to qualify for reimbursement funding.

f) Instructor Requirements.

1) Course must be taught under auspices of an instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The Instructor qualifications are flexible in that the individual must have knowledge of the subject matter to be taught and specific discipline is required of the person employed to teach the instructor course.

2) It is preferable that the instructor be qualified strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office as an educator qualified to teach others how to teach.

g) Facility Certification and Delivery Systems.

Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to have receive facility certification. Such certification requires:

1) See Section 140.15 for course approval requirements.

2) See Section 140.16 for end-of-course written examination requirements.

3) A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office. This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All evaluators will utilize a checklist approved by the Office to independently evaluate the candidates performance.

4) Fire Service Instructor courses shall be delivered under the auspices of approved institutions identified as follows: A) All Fire Service Instructor I and II courses may be delivered by any accredited college or university in Illinois.

B) All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.

4) Members of the Illinois Fire Services Association Fire Service organizations may receive approval to deliver specialized courses. The organizations are identified as:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- A) The Illinois Fire Chief's Association (IFCA).
 B) The Illinois Fire Inspector's Association (IFIA).
 C) The Illinois Society of Fire Service Instructors (ISFSI).
 D) The Illinois Firefighter's Association (IFA).
 E) The Associated Firefighters of Illinois (AFFI).
 F) The Illinois Association of Fire Protection Districts (IAFPD).
 G) The Illinois Professional Firefighter's Association (IPFA).
 H) The Illinois Fire Service Alliance (IFSA).
 I) The Illinois Fire Prevention Education Association (IFPEA).

h) All organizations and institutions desiring to offer programs and or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (see Section 140.25).

i) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NPPA-1041-Chapter-2. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.140 Fire Service Instructor II

Professional qualifications for Fire Service Instructor II are identified in the NPPA 1041 (1997/1992), Chapter-3, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor II as a fire service instructor who, in addition to meeting Instructor I qualifications, has demonstrated the knowledge and ability to coordinate other instructors and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis. Instructor II's are authorized to teach all subjects of the Firefighter II and III courses and to validate training records for these levels of training. See Section 140.130(a) and (b).

- a) Prerequisites. Fire Service Instructor II certification is granted to those individuals who have:
- 1) Certification as a Firefighter III.
 - 2) Certification as a Fire Service Instructor I.
 - 3) Attained five years of documented fire service experience in a fire department.
 - 4) Successfully completed the Instructor II a course of with a minimum of 40 hours in methods and techniques of teaching equivalent to NPPA-1041-Chapter-3, hereby incorporated by reference including no later editions or amendments.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 5) See Section 140.50(a).
 b) Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor I prior to starting this course to qualify for reimbursement funding. See Section 140.325.
 c) Instructor Requirements. (See Section 140.130(c).)
 d) Facility Certification and Delivery Systems. See Section 140.130(d).
 e) Curriculum Subject Headings. The general course content is identified in NPPA-1041-Chapter-3. In addition to meeting the qualifications of Instructor I, the objectives of the course are designed to prepare the candidate in the ability to demonstrate knowledge and skills in preparing Instructional Materials, Techniques of Testing and Evaluations and Writing Behavioral Objectives or Performance Objectives.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.150 Fire Service Instructor III

Professional qualifications for Fire Service Instructor III are in the NPPA 1041 (1997/1992), Chapter 4, hereby incorporated by reference and including no later editions or amendments. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor III as a certified individual serving in a fire department or allied field or agency who, in addition to meeting Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curriculum and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies. See Section 140.130(a) and (b). Assigned supervisory/administrative duties with some instructional responsibilities for the development of courses and the selection and development of appropriate instructional materials, and responsible for supervising instructors and support staff. The term Technical Manager is synonymous with Fire Service Instructor III.

- a) Prerequisites. Fire Service Instructor III certification is granted to those individuals who:
- 1) Have certification as a Fire Service Instructor II.
 - 2) Have served a minimum of three years in the capacity of a fire service instructor or training officer.
 - 3) Successful completion of an Instructor III course of a minimum of 40 hours, contained in Fire Service Instructor III program, hereby incorporated by reference. A copy can be obtained from the Illinois Society of Fire Service Instructors, P.O. Box 17, Palos Heights, Illinois 60463 80 hours of courses equivalent to NPPA-1041-Chapter-4.
 - 4) See Section 140.50(a).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- b) Funding--Hours-----A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor II prior to starting this course to qualify for reimbursement funding.
- b)c) Instructor Requirements. (See Section 140.130(c).)
- c)d) Facility Certification and Delivery System. See Section 140.130(d).
- e) Curriculum Subject Headings--The general course content is identified in NPPA-10417-(1992)-Chapter-4.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.160 Fire Service Instructor IV (Repealed)

Professional qualifications for Fire Service Instructor IV are in the NPPA-1041 (1992)-Chapter-5, hereby incorporated by reference and including no later editions or amendments. The Office defines the instructor IV who, in addition to meeting instructor III qualifications, has demonstrated the knowledge and ability to administer and manage a fire service training program including budget preparation, personnel management, maintenance of positive public relations, and organizational goal setting.

- a) Prerequisites--Instructor IV certification will be granted to those individuals who have met the following qualifications:
- 1) Certification as a Fire Service Instructor III.
 - 2) Have served a minimum of five years in the capacity of a fire service instructor or training officer.
 - 3) Successful completion of the course--(40--student--contact--hours minimum) or equivalent.
 - 4) See Section 140.50(a).

b) Funding--Hours-----A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor III prior to starting this course to qualify for reimbursement funding.

- c) Equivalent courses--(See Section 140.70(c)).
- d) Instructor Requirements--See Section 140.70(d).
- e) Facility Certification and Delivery System--See Section 140.70(e).
- f) Curriculum--shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NPPA-10417-Chapter-6.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 140.171 Fire Prevention Officer

Professional qualifications for Fire Prevention Officer, except Firefighter qualifications, are identified in the NPPA 1031, 1033, 1035 (1998+1999), hereby

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

incorporated by reference, including no later amendments or editions. The Office defines the Fire Prevention Officer as a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions, conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer is Technical Specialist.

a) Prerequisites. Fire Prevention Officer certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Firefighter III or successfully completing the Firefighter Bypass Examination. Entrances into this program through the Bypass Examination is limited to:

- A) Office personnel.
- B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
- 2) Attainment of three years cumulative fire service experience which must include one year of experience in fire prevention.
- 3) Successful completion of the Office-approved Fire Prevention Officer course or provide proof of equivalent courses.
- 4) Successful completion of the State Fire Prevention Officer examination. Prerequisite for taking State written examination is Firefighter II certification or successful completion of the Bypass Examination.

b) Funding--Hours--A maximum of 162 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed the Firefighter Bypass Examination to qualify for reimbursement funding.

b)c) Equivalent courses.

- 1) See Section 140.18, Course Approval Equivalency.
- 2) See Section 140.70(c) for requirements.
- 3) An equivalent Equivalent course must meet the performance objectives in NPPA 1031, 1033, and 1035 (1998+1999), hereby incorporated by reference.
- 4) When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer program prior to taking the State written examination a second time.

c)d) Equivalent courses are not eligible for reimbursement. Instructor Requirements. The Fire Prevention Officer program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

d) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for Course Approval requirements.
- 2) See Section 140.8 for State written examination requirements.
- 3) See Section 140.16 for End-of-Course examination requirements.
- 4) All courses will be delivered under the auspices of approved institutions identified as follows:

A) See Section 140.70(e)(4) ~~Fire--Prevention-Officer--Public Fire-and-Life-Safety-Educator-ii--Fire-Inspector-ii--Public Fire--and--Life--Safety--Educator-iii-and-Fire-Inspector-iii courses-may-be--delivered--by--any--accredited--college--or university--in-Illinois.~~

B) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA).
- ii) The Illinois Fire Inspector's Association (IFIA).
- iii) The Illinois Society of Fire Service Instructors (ISFSI).
- iv) The Illinois Firefighter's Association (IFA).
- v) The Associated Firefighters of Illinois (AFFI).
- vi) The Illinois Association of Fire Protection Districts (IAFPD).
- vii) The Illinois Professional Firefighters Association (IPFA).
- viii) The Illinois Fire Service Alliance (IFSA).

~~ix) The--Illinois--Fire--Prevention--Education--Association (IPEA).~~

- 5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules, and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.

e)f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector and Plan Examiner (1998+999), NFPA 1033, Professional Qualifications for Fire Investigator (1998+999), and NFPA 1035, Professional Qualifications for Public Fire and Life Safety Educator II (1998+999).

f)g) State Certification Written Examination. To be certified as a Fire Prevention Officer, candidates must take and pass the State examination. (See Section 140.8.)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Professional qualifications for Juvenile Firesetter Intervention Specialist are identified in NFPA 1035 (1998), hereby incorporated by reference. The Office defines the Juvenile Firesetter Intervention Specialist as an individual serving in a fire department or allied agency who shall have the knowledge, skills and responsibility to facilitate case management of identified firesetters for assessment, education and reference purposes.

- a) Certification as Firefighter II or successful completion of Bypass Examination.
- b) Prerequisites. Juvenile Firesetter Intervention Specialist certification is granted to those individuals who have achieved the following:
 - 1) Basic knowledge of educational methods and types of interventions, interagency protocols, abuse, neglect and legal issues as they apply.
 - 2) High school diploma or equivalent. Some formal training in interview methods, legalities of public information and media.
 - 3) Combination of work related experience resulting in acceptable proficiency levels in the minimum qualifications listed in subsections (b)(1) and (2).
- c) The Authority Having Jurisdiction shall attest to knowledge, skills, education and experience listed in subsections (b)(1), (2), and (3). Application for certification and the Validation Sheet shall be submitted to the Office before certification will be granted.
- d) Successful completion of the course meeting the objectives in NFPA 1035 (1998 edition).
- e) Instructor Requirements. An individual must be certified to the level he or she is teaching. Fire service personnel shall be a minimum of Fire Service Instructor I.
- f) Curriculum Subject Headings:
 - 1) Orientation.
 - 2) Normal Child Development.
 - 3) Characteristics of Juvenile Firesetters.
 - 4) How to Identify Juvenile Firesetters.
 - 5) Evaluation Scenario.
 - 6) Legal Issues.
 - 7) Networking.
 - 8) Interviewing Juveniles.
 - 9) Screening and Assessment Techniques.
 - 10) Child Abuse/Neglect/Mental Health Issues.
 - 11) Public Education Programs.
 - 12) Role Playing.
 - 13) Referral and Follow Up.
- g) Facility Certification and Delivery Systems. (See Section 140.200(e)(1).)
- h) Examination Procedures. To be certified as Juvenile Firesetter Prevention Specialist, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passage submitted to the Office.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.
- 2) Written examination administered by the Office.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 140.180 Public Fire and Life Safety Educator II

Professional qualifications for Public Fire and Life Safety Educator II are identified in the NFPA 1035 (1998:1993), hereby incorporated by reference. The Office defines the Public Fire and Life Safety Educator II as an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

- a) Prerequisites. Public Fire and Life Safety Educator II certification is granted to those individuals who have achieved the following:

- 1) Certification as a Fire Prevention Officer.
- 2) Attainment of three years of documented fire prevention experience.
- 3) Successful completion of the Public Fire and Life Safety Educator II course or courses meeting the objectives in NFPA 1035 (1998:1993), Chapter 4, this standard is incorporated by reference and includes no later editions or amendments.
- b) Funding--Hours--A maximum of 80 hours is available for reimbursement. The Office will fund this level of education only one time. Candidates must be certified as a Fire Prevention Officer to qualify for reimbursement funding.

- b) Equivalent courses. (See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements.)

- c) Instructor Requirements. (See Section 140.171(d).)
- d) Facility Certification and Delivery Systems. See Section 140.171(e).
- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035 Professional Qualifications for Public Fire Educator (1993) Chapter 4.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.185 Public Fire and Life Safety Educator III

Professional qualifications for Public Fire and Life Safety Educator III are identified in NFPA 1035 (1998:1993), Chapter 5, hereby incorporated by reference. The Office defines the Public Fire and Life Safety Educator III as a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- a) Prerequisites. Public Fire and Life Safety Educator III certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Public Fire and Life Safety Educator II.
- 2) Attainment of five years of documented fire prevention experience with two years in fire education.
- 3) Successful completion of the course or courses required for Public Fire and Life Safety Educator III certification meeting the objectives in NFPA 1035 (1998:1993) Chapter 5.
- b) Funding--Hours--A maximum of 80 hours is available for reimbursement. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Public Fire and Life Safety Educator II prior to taking these courses to qualify for reimbursement funding.

- b) Equivalent Courses. (See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements.)

- c) Instructor Requirements. (See Section 140.171(d).)
- d) Facility Certification and Delivery Systems. (See Section 140.171(e).)

- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035 Professional Qualifications for Public Fire and Life Safety Educator (1993) Chapter 5.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.190 Bypass Examination

- a) This examination is provided for special fire and police personnel and allied field agencies who are charged with duties governing fire prevention, fire inspection, fire investigation, and arson investigation, but who do not have, or will not be assigned fire suppression duties and/or responsibilities. Recognition of this condition in the State Training and Certification Program is accomplished through the implementation of the Bypass Examination. Firefighter Bypass Examination is limited to personnel identified as fire protection non-sworn personnel and the law enforcement personnel seeking Arson Investigator certification. This examination does not provide State certification as a Firefighter, but provides a method for individuals who have not received Firefighter II certification to participate in the Fire Prevention Officer, Juvenile Firesetter Intervention Specialist I, Fire Service Executive Support, Fire Investigator, and Arson Investigator programs for certification and funding by the Office.

- b) Examination Procedures
- 1) All State written examinations will be given by the Office of the State Fire Marshal.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 2) At least 30 days prior to the anticipated day for testing, the Fire or Police Chief will submit to the Office of the State Fire Marshal a "Request for Examination" form. The Office of the State Fire Marshal will endeavor to schedule examinations throughout the State as requested.

- c) The Bypass Examination will consist of multiple-choice items in the following subject areas:

- 1) General Orientation.
- 2) Communications.
- 3) Prevention, Preparedness and Maintenance.
- 4) Fire-Behavior
- 5) Portable-Fire-Extinguishers
- 6) Personal-Safety
- 7) Water-Supply
- 8) Building-Construction
- 9) Communications
- 10) Sprinkler-Systems
- 11) Fire-Inspections.

- d) Individuals choosing to take this examination must:

- 1) Sign the Request for Examination form submitted to the Office of the State Fire Marshal by the respective Chief.

- 2) Plan to enter into the training program for Fire Prevention Officer, Juvenile Firesetter Intervention Specialist I, Fire Service Executive Support, Fire Investigator or Arson Investigator.

- e) No funding is provided for salary, travel, lodging or other expenses associated with the study for or the taking of this examination.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.200 Fire Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Fire Investigator because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Fire Investigator as an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term synonymous with Fire Investigator is Technical Specialist.

- a) Prerequisites for Certification as Fire Investigator. Individuals wishing to be certified as a Fire Investigator must:

- 1) Be a Certified Firefighter II (see Section 140.50), or successfully complete the Bypass Examination (see Section 140.190).

- 2) Successfully ~~successfully~~ complete the Fire Investigator course consisting of objectives in NFPA 1033 (1993) and NFPA 921 (1995).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

consisting of ~~three~~ ~~Modules~~ ~~or~~ ~~Modules I & II and the Arson Investigator Course~~ (see Section 140.210).

- b) Funding Hours. A maximum of 120 hours is available for reimbursement funding. ~~All programs can be funded only one time. No funding is available for repeat courses.~~ All persons for whom reimbursement is sought must be Certified as a Firefighter II or above or have successfully completed the Bypass Examination prior to commencement of the program's courses, and must be employed as fire protection personnel by a participating local governmental agency.

c) Curriculum. The Fire Investigator course shall consist of course/courses correlated to NFPA 1033, Professional Qualifications for Fire Investigator (1993 edition) and NFPA 921 (1995 edition). Courses shall be submitted to the Office for review according to Section 140.15. ~~The Fire Investigator course is based upon three modules. Modules I and II must be taken consecutively. Module III is designed for those persons who do not intend to take the Arson Investigator Course. Topics of the course and outline are contained in the book entitled Fire Arson Investigation published by the Illinois Fire Service Institute, University of Illinois-Urbana-Champaign, in cooperation with the Illinois Police Training Institute and the Illinois-Basic Government Law Enforcement Officer's Training Board (1996) or the Office of the State Fire Marshal, Division of Personnel Standards and Education, approved course.~~

d) Instructor Requirements. (See Section 140.15(c)). Because of the specialty topics in this course, it shall be required that knowledgeable instructors in each special topic be utilized to teach in their area of expertise.

e) Facility Certification and Delivery Systems.

- 1) Courses will be approved if they meet all rules and regulations established by the Office of the State Fire Marshal regarding curricula, student control, examinations, financial records maintenance and instructor qualifications and have the physical resources necessary for the course.

- 2) Due to the sensitive nature of the material, no approval for course or facilities will be given if the course is offered to persons other than fire or allied field agencies.

- f) State Certification Written Examination - See Section 140.70(g) and 140.15.

- g) Fire Investigator-Equivalent Courses - See Section 140.18.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.210 Arson Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Arson Investigator because it is not possible to insure that every

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

rank used by local fire and police departments or allied field agencies to identify persons serving as Arson Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Arson Investigator as an individual, who is a full-time paid and sworn employee of the Office or a local governmental agency, specifically responsible for the investigation of suspected arson fire incidents.

a) Prerequisites for Certification as an Arson Investigator. Individuals wishing to be certified as an Arson Investigator must:

- 1) Meet the requirement in Section 140.200(a)(1);
- 2) Have successfully completed Modules-I-and-II-of the Fire Investigator Course--or-equivalent-course--(See-Section-140-200(f); and

3) Successfully complete an Arson Investigator course approved by the Office of the State Fire Marshal and the Illinois Board of Governmental Law Enforcement Officers' Training and Standards Board, or provide proof of equivalent courses to be evaluated by the Executive Director of the Illinois Board of Governmental Law Enforcement Officers' Training and Standards Board; and

4) Be employed full-time by a local governmental agency, the Office, or other organization investigating fires and explosions believed to be arson.

b) Funding--Hours--A-maximum-of-260-hours-is-available-for-reimbursement funding-for-fire-protection-personnel--All-courses-can-be-funded-only one-time--No-funding-is-available-for-repeat-courses--All-persons-for-whom-reimbursement-funding-is-sought--must-be-certified-as-a-fire investigator--or--have-completed-Modules-I-and-II-or-an-equivalent course-prior-to-commencement-of-the-program's-courses-

b)(c) Curriculum Subject Headings.

- 1) Legal Issues
- 2) Human Behavior
- 3) Police Functions
- 4) Case Processing and Development
- 5) Investigations
- 6) Firearms and Physical Training

c)(d) Instructor Requirements. Instructors must have demonstrated experience and education in the technical areas to be taught and must be approved by the Office of the State Fire Marshal and the Illinois Board of Governmental Law Enforcement Officers' Training and Standards Board prior to the course offering.

d)(e) Facility Certification and Delivery Systems. (See Section 140.200(e).)

e)(f) Examination Procedures.

- 1) See Section 140.200(f) for written examinations.
- 2) Upon successful completion of the Firearms and Physical Training portion of the Arson Investigator program, records of completion should be forwarded to the Illinois Board of Governmental Law Enforcement Officers' Training and Standards Board for personnel of fire and police departments or allied field agencies who will

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

review the records and issue appropriate firearms training certificates.

f)(g) The Office will issue the Arson Investigator certificate upon receipts of firearms, physical training, and all other documents from the Illinois Dept.-of-State-Police-or-the Illinois Board-Governmental Law Enforcement Officers' Training and Standards Board.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.215 Fire Inspector and Plan Examiner II

Professional qualifications for Fire Inspector and Plan Examiner II are identified in the NFPA 1031 (1998 1993), hereby incorporated by reference and containing no later amendments or editions. The Office defines the Fire Inspector and Plan Examiner II as a person serving in a fire department or allied agency assigned fire inspection and supervisory responsibilities. The term synonymous with Fire Inspector and Plan Examiner II is Senior Technician.

a) Prerequisites. Fire Inspector and Plan Examiner II certification is granted to those individuals who have met the following qualifications:

- 1) Fire Prevention Officer certification.
- 2) Attainment of three years of documented experience in fire inspection.

3) Successful completion of the Fire Inspector and Plan Examiner II a course or courses meeting the objectives specified in NFPA 1031 (1998 1993)-Chapter-4.

4) Validation Sheets shall be submitted to the Office before certification is granted. Successful-completion-of-the-State-written-examination-

5) Prerequisite-for-taking-Inspector-II-Examination-is-successful completion-of-Fire-Prevention-Officer-State-written-examination-funding--Hours--A-maximum-of-80-hours-is-available-for-reimbursement--The-Office-will-fund-this-level-of-education-only-one-time--No-funding-is-available-for-repeat-courses--Candidates-must-be-certified-as-a-Fire-Prevention-Officer-to-qualify-for-reimbursement funding-

b)(c) Equivalent Courses. See Sections 140.18 and 140.70(c) for requirements.

c)(d) Instructor Requirements. See Section 140.15(c).

d)(e) Facility Certification and Delivery Systems. See Sections 140.171 (e) and 140.70(e).

f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA-1031-(1993)-Chapter-4-

e)(g) State Certification Written Examination.

- 1) To be certified as a Fire Inspector and Plan Examiner II, candidates must take and pass the State examination. See Section

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

140.8.

- 2) Certification as a Fire Prevention Officer is a prerequisite to taking the written examination.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.220 Fire Inspector and Plan Examiner III

Professional qualifications for Fire Inspector and Plan Examiner III are identified in the NFPA 1031 (1998 1999), Chapter--57 hereby incorporated by reference. The Office defines the Fire Inspector III as a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention bureau.

- a) Prerequisites. Fire Inspector and Plan Examiner III certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Inspector and Plan Examiner II.
- 2) Attainment of five years of documented experience in fire inspection.
- 3) Successful completion of the Fire Inspector and Plan Examiner III course or courses meeting the objectives specified in NFPA 1031 (1998) the courses required for Inspector-III.
- 4) Validation Sheets shall be submitted to the Office before certification is granted.

- b) Funding-Hours--A maximum of 80 hours is available for reimbursement funding--with--no--more--than--54--hours--allowed--for--any--one--of--the--6 courses--in--Section--140.90(a)-(g)---The--Office--will--fund--this--level--of education--only--one--time--No--funding--is--available--for--repeat--courses--Candidates--must--be--certified--as--a--Fire--Inspector--III--to--qualify--for reimbursement--funding--

- b)e) Equivalent Courses. (See Section 140.70(c) for requirements.)
 c)d) Instructor Requirements. (See Sections 140.171(d) and 140.200.)
 d)e) Facility Certification and Delivery Systems. (See Sections Section 140.171 (e) and 140.70(e).)

- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA--10317 Professional Qualifications for Fire Inspector (1993), Chapter-5.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.225 Hazardous Materials First Responder-Awareness

- a) Hazardous Materials First Responder-Awareness personnel are fire personnel trained to the level of awareness as defined in 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

jurisdiction.

- b) Fire protection personnel at this level of certification are persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release.

- c) Professional qualifications for Hazardous Materials First Responder-Awareness are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standards or reference.

- 1) Prerequisites - Hazardous Materials First Responder-Awareness Certification is granted to those persons who have met the following qualifications:

- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of First Responder Awareness meeting NFPA 472 (1992), including passage of local testing including practical and State written exam.

- C) See Section 140.50(a).

- D) See Section 140.50(1)(1).

- 2) Funding. A maximum of 16 hours is available for reimbursement funding, which is included in the total hours for Firefighter II. The Office will fund this level of training only one time.

- 3) Instructor Requirements. Certified Fire Service Instructor I who has been certified at any level of Hazardous Materials.

- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the Hazardous Materials First Responder-Awareness program will be required to:

- A) File Course Approval forms. See Section 140.15.
- B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.

- 5) State Certification Written Examination. To be certified in Hazardous Materials First Responder-Awareness, candidates must supply proof of passage (class completion roster and Validation Sheet transcript or certificate) of or locally administered written and practical exams and pass the State written examination. See Section 140.8.

- 6) State-Certification-Practical-Skills-Examination--
 A) The State-practical-skill-examination-consists-of-a-series of--evolutions--determined--from--NFPA--472--contained-in-a document-published-by-the-Office-of-the-State-Fire-Marshal-Division-of-Personnel--Standards--and-Education--entitled Practical-Skill-Examination-for-Hazardous-Materials--First Responder-Awareness----The-Instructor-should-contact-the Office-for-this-practical-skill-examination
 B) After-the-practical-examination-is-completed-and--scored--by the--instructor--a-copy-of-the-evaluation-checklist-must-be

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

sent-to-the-Office-for-inclusion-in-the-student's-file-
Certificates-are-head-until-practical-exam-scores-are
submitted.

- 6) Objectives for Hazardous Materials First Responder-Awareness are contained in identical-to-Objectives-for-Awareness-in Firefighter II.

8) Refresher-Training-Awareness-Level:

- A) Refresher-training-should-be-accomplished-on-a-minimum-of-an annual-basis-to-insure-that-the-employer-can-certify-that the-Awareness-Level-Responders-meet-CFR-1910.120-(1993)-and the-guidelines-of-the-Office-of-the-State-Fire-Marshall-for First-Responder-Awareness-Level-training-the-training should-include-identification-of-hazardous-materials-local response-plans-and-other-areas-as-directed-by-the-employer.
- B) Funding-for-refresher-training-is-covered-under-Section 140-236-Hazardous-Materials-Refresher-Training.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.230 Hazardous Materials First Responder-Operations

- a) First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of "First Responder Awareness" and "First Responder Operations" as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.

- b) Fire protection personnel at this level of certification are both:

- 1) Persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and
 - 2) Persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
- c) Professional qualifications for Hazardous Materials First Responder-Operations are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standard or reference.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- d) Hazardous Materials First Responder-Operations is designed as the introductory step in the acquisition of all knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.

- 1) Prerequisites - Hazardous Materials First Responder - Operations Certification is granted to those persons who have met the following qualifications.

- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of First Responder Operations, including passage of local testing including practical and State written examination.
- C) Prerequisite for taking the State written exam is Firefighter II certification.
- D) See Section 140.50(a).
- E) Certification-as-Hazardous-Materials-Awareness:

- E) See Section 140.60(m)(1).

- 2) Funding. A maximum of 56 hours is available for reimbursement funding, which is included in the total hours for Firefighter III. The Office will fund this level of training only one time.

- 3) Instructor Requirements.

- 4) Certified Fire Service Instructor I and Certified Hazardous Materials First Responder-Operations or higher.

- 5) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder program will be required to:

- A) File Course Approval forms. (See Section 140.15.)
- B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.

- 6) Course description. The course is described as a specialized course to provide those persons whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992), hereby incorporated by reference and including no later standards or amendments. Objectives in this course are identical to the Hazardous Materials Operations section of objectives-in Firefighter III. See Section 140.18 Course Approval Equivalency.

- 7) State Certification Written Examination. To be Certified as a Hazardous Materials First Responder-Operations, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written and practical exams and pass the State written examination. (See Section 140.8.)

- 8) State Certification Practical Skill Examination.

- A) The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder-Operations. The instructor should contact the Office for this practical skill examination.

- B) After the practical examination is completed and scored by the instructor, a copy of the practical examination key must be retained sent to the office for inclusion in the employing fire department training files students file. The Validation Sheet shall be submitted by the Fire Chief/School Director attesting to 100% passage of practical skills. Certificates will not be granted until the Validation Sheet is are held until practical exam scores are submitted.

8) Refresher training--First Responder/Operations level.

- A) Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the First Responder Operations level responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder Operations level training. The training should include all the recurrence training for Awareness level and in addition methods and procedures for evaluating and controlling a hazardous materials incident, guidelines and principles for protecting the health and safety of response personnel, fundamentals of response team organizations and operations, proper use of chemical protective clothing and direct reading instruments, defensive confinement techniques, evaluation considerations and methods of communicating the status of the planned response, and any other areas as directed by the employer.
- B) Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.232 Hazardous Materials Technician

- a) Hazardous Materials Technician is a series of two courses designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
- b) Hazardous Materials Technician A involves procedures for and entry into the "hot zone."

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- c) Hazardous Materials Technician B involves the thought processes, rescue procedures and tactics and strategy.
- d) Both Hazardous Materials Technician A and Technician B are required to satisfy the requirements in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992). Technicians are trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990), or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

- e) Prerequisites - Hazardous Materials Technician A is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials First Responder-Operations.
- 2) Successful completion of the Hazardous Material Technician A course.

- 3) Be a Certified Firefighter III.

- 4) The individual must be a certified firefighter III and certified Hazardous Materials Operations to take State written and practical exam.

4.5) See Section 140.50(a).

- f) Prerequisites - Hazardous Materials Technician B is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials First Responder-Operations and certified Hazardous Materials Technician A.
- 2) Successful completion of the Hazardous Materials Technician A and Hazardous Materials Technician B courses.

- 3) Be a Certified Firefighter III.

- 4) The individual must be certified firefighter III and certified Hazardous Materials Operations and have successfully completed a Hazardous Materials Technician A course before taking the State exam.

4.5) See Section 140.50(a).

- g) Funding. See Section 140.325 A minimum of 40 hours and a maximum of 56 hours is available for reimbursement funding for technician A and a minimum of 40 hours and a maximum of 56 hours is available for reimbursement funding for technician B. The office will fund this level of training only one time.

- h) Instructor Requirements. Certified Fire Service Instructor II and certified to the level the individual is teaching.

- i) Facility Certification and delivery systems. Educational institutions and fire departments desiring to offer the Hazardous Materials Technician A and Technician B programs will be required to:

- 1) File Course Approval forms. (See Section 140.15.)
- 2) Use a facility which has a classroom and have the equipment which meets the Office approved course.

- j) State Certification Practical Skill Examination.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.
- 2) Instructors should contact the Office for this practical skill examination.
- 3) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.
- 4) After the Practical examination is completed and scored by the Instructor, a copy of the Validation Sheet evaluation-checklist must be sent to the Office for inclusion in the student's file. The practical skill evaluations and answer key shall be retained in the employing fire department training files.

- k) State Certification Written Examination. To be certified as a Hazardous Materials Technician A and Technician B, candidates must take and pass the State written examinations for each module. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. Prerequisite--for-taking-the-State-examination-is-certification-as-a Hazardous-Materials-First-Responder-Operations.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.234 Chemistry of Hazardous Materials

- a) Chemistry of Hazardous Materials is a course designed to give first responders a broader understanding of the chemistry and toxicology of hazardous materials.

- b) Professional qualifications for the course are identified in NFPA 472 (1992-1999) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapters 3 and 4, hereby incorporated by reference and containing no later standard or reference.

- i) Funding--A maximum of 80 hours is available for reimbursement funding--The Office will fund this level of training only one time--The individual must be a certified Hazardous Materials First-Responder-Operations--prior-to-taking-this-course-to-claim for-reimbursement-funding-and--must--successfully--complete--this course.

- c) Instructor requirements (must have two instructors).

- 1) a) Option one: two National Fire Academy Instructors.

- 2) b) Option two: One individual who is a Fire Service Instructor II, and certified Hazardous Materials Technician AND one expert in Chemistry (a college level chemistry instructor or a person with a minimum of a bachelor's degree).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Section 140.236 Hazardous Materials Refresher Training (Repealed)

- a) Annual-refresher-training-shall-comply-with-United-States-Department-of-Labor-Occupational-Safety-and-Health-Administration-29-CFR-1910-120.
- b) Because-of-the-uniqueness-of-this-type-of-training-refresher-training-in-hazardous-materials-will-be-funded-for-specific-training-meeting-any-of-the-objectives-in-NFPA-472-(1992)-Standard-for-Professional Competence-of-Responders-to-Hazardous-Materials-Incidents--hereby incorporated-by-reference-and-including-no-later-standard-or-edition or-the-objectives-listed-in-the-certification-course-for-First-Responder-Operations-Technician-or-the-Chemistry-course.
- c) Funding.
 - i) Prerequisites--Hazardous-Materials-First-Responder-Operations certification
 - 2) Funding--a maximum of 40 hours is available for reimbursement funding-annually.
 - 3) Funding-claimed-for-Hazardous-Materials-refresher-training-cannot be-claimed-for-any-other-certification-or-refresher-training.
 - 4) Records-required-by-29-CFR-1910-120--and-Sections-140-12--and-140-325--of--this-Part--must--be--maintained--and--established procedures--followed.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 140.238 Hazardous Materials Incident Command

- a) Hazardous Materials Incident Command is designed for the training of Certified Hazardous Materials First Responders and Technicians to manage a Hazardous Materials emergency incident. An Incident Command System fixes Command on one particular individual or a group of individuals throughout the incident to ensure a strong visible direct command. If the incident is above the level of training of the Incident Commander, management of all tactical operations shall be delegated to an appropriately trained individual. This does not relieve the Incident Commander of the responsibilities outlined in OSHA 1910.120(q)(3).

- b) This course has been developed to meet the requirements of the United States Department of Labor Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990), or the United States Environmental Protection Agency (USEPA), 40 CFR 311 (1990), whichever is appropriate for the jurisdiction.

- c) Professional qualifications for Incident Command are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

containing no later editions or amendments.

- 1) Prerequisites - Hazardous Materials Incident Command certification is granted to those persons who have met the following qualifications:

- A) Certification as a Firefighter II;
- B) Certification as a Hazardous Materials First Responder-Operations;
- C) Successful completion of the Hazardous Materials Incident Command course;
- D) The individual must be a Certified Firefighter II and Certified Hazardous Materials First Responder-Operations to take the exam;

E) See Section 140.50(a).

- 2) ~~Funding:---A-maximum-of-24-hours-is-available-for-reimbursement funding:---The-Office-will-fund-this-level-of-training-only-one time.~~

2)3) Instructor Requirements. Certified Fire Service Instructor II, certified Hazardous Materials First Responder-Operations, and certified Hazardous Materials Incident Command.

- 3)4) Facility certification and delivery systems. Educational institutions and fire departments desiring to offer the Hazardous Materials Incident Command program will be required to:

- A) File Course Approval forms. (See Section 140.15.)
- B) Use a facility which has a classroom and the equipment needed to complete the student performance objectives.

4)5) State Certification Written Examination.

- A) To be certified in Hazardous Materials Incident Command, candidates must take and pass the State Written examination. (See Section 140.8.) The practical skill evaluations and answer key shall be retained in the employing fire department training files.

- B) Request for exam must be signed by a Fire Service Instructor II who has been certified in Hazardous Materials First Responder-Operations and Incident Command.

- 5) State Certification Practical Skill Examination.

- A) The State practical skills examination consists of a series of evolutions contained in a document published by the Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Incident Command. The Certified Instructor should contact the Office for this practical examination.

- B) After the practical examination is completed and scored by the Certified Instructor, the Validation Sheet shall be submitted to the Office for inclusion in the student's file. Certificates will not be released by the Office until the Validation Sheet is received. The practical skill evaluations and answer key shall be retained in the employing fire department training files.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.240 Rescue Specialist-Roadway Extrication

- a) Extrication Specialists, for the purpose of this level of certification, are firefighters trained to the level specified in the Division of Personnel Standards and Education Instructor Reference Manual (1992), hereby incorporated by reference.

- b) Persons who respond to incidents that require the specialty training for rescue specialist will be trained in the basic skills to perform this operation. This course is designed as the introductory step in the acquisition of all knowledge and skills required in the various specialties of extrication. Rescue Specialist-Roadway Extrication certification is required before proceeding to other specialties of extrication.

- c) Prerequisites - Rescue Specialist-Roadway Extrication certification is granted to those persons who have completed a minimum 40 student contact hour course and met the following qualification:

- 1) Certification as a Firefighter II.
- 2) Successful completion of the Roadway Extrication course, including passage of local testing and State written and practical examinations.
- 3) Prerequisite for taking the written exam is Firefighter II certification.
- 4) See Section 140.50(a).

- d) Funding. See Section 140.325. ~~A-maximum-of-56-hours-is-available-for-reimbursement-funding--The-Office-will-fund-this-level-of-training only-one-time.~~

- e) Instructor Requirements. Certified Fire Service Instructor II and Certified Rescue Specialist-Roadway Extrication. Successful completion of required courses for Rescue Specialist-Roadway Extrication is prerequisite.

- f) Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist-Roadway Extrication program will be required to:

- 1) File Course Approval forms. See Section 140.15
- 2) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives. The equipment is listed in the Office Instructor Reference Manual for Rescue Specialist-Roadway Extrication.

- g) State Certification Written Examination.

To be certified as a Rescue Specialist-Roadway Extrication, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written examination. (See Section 140.8.)

- h) State Certification Practical Skill Examination.

- 1) The State practical skill examination consists of a series of

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

evolutions contained in a document published by the Division of Personnel Standards and Education, entitled Practical Skill Examination for Rescue Specialist-Roadway Extrication. The Certified instructor should contact the Office for this practical examination.

- 2) After the practical examination is completed and scored by the Certified Instructor, the Validation Sheet shall be submitted to ~~a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates will not be released by the Office until the Validation Sheet is practical scores are received. The practical skill evaluations and answer key shall be retained in the employing fire department training files.~~

i) Equivalent Courses

- 1) See Section 140.70(c) for requirements.
 - 2) An equivalent course must meet the performance objectives listed in Office Instructor Reference Manual.
 - 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time.
- Failure on either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Extrication Specialist program prior to taking the State written and practical exam a second time.
- 4) Equivalent courses are not eligible for reimbursement.
- j) An individual with an Emergency Rescue Technician Certificate issued by the Illinois Department of Transportation shall be allowed to take the State Written and Practical Examination one time without taking the course, if the individual:

- 1) Meets the requirement of fire protection personnel. (See Section 140.50(a).)
- 2) Is certified at the Firefighter II level or above.
- 3) Completes a refresher course on the subject areas that were not covered in the earlier course.

- 4) The individual must take the entire course if either of the exams is not passed on the first attempt.

No reimbursement funding is available for the refresher course or examination.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.241 Confined Space/Trench Rescue Awareness

- a) Confined Space/Trench Rescue Awareness is designed to give fire personnel a basic awareness of requirements, hazards and techniques of rescue in confined spaces and trenches.
- b) Training will meet rulings of federal, State and local jurisdictions;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

OSHA 29 CFR 1910.146 (1993); OSHA 29 CFR 1926 Subpart P; and Illinois Department of Labor (56 Ill. Adm. Code 350.280).

- c) Professional qualifications require completion of the Office approved Confined Space/Trench Rescue Awareness course.
- d) Confined Space/Trench Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required to safely perform a rescue.

- 1) Prerequisites - Confined Space/Trench Rescue Awareness Certification is granted to those persons in the fire service who have met the following qualifications:

- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of the Confined Space/Trench Rescue Awareness course, including written and practical exams.
- C) Prerequisite for taking State examination is Firefighter II certification.

- D) See Section 140.50(a).

- 2) Funding. See Section 140.325. A maximum of 12 hours is available for reimbursement funding. The Office will fund this level of training only one time.

- 3) Instructor Requirements. Instructor of Record shall be an Instructor I and certified in Confined Space/Trench Rescue Awareness.

- 4) Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Confined Space/Trench Rescue Awareness program will be required to:
 - A) File Course Approval forms annually. See Section 140.15.
 - B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.

- 5) State Certification Written Examination. To be certified in Confined Space/Trench Rescue Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written exam and pass the State written examination. See Section 140.8.

- e) Equivalent courses. Only approved courses will be acceptable for certification.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.242 Rescue Specialist - Confined Space

- a) Rescue Specialist - Confined Space is designed to give fire service personnel the basic knowledge and skills to safely perform confined space rescue as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA 29 CFR 146 (1993).
- b) Prerequisites.

Rescue Specialist - Confined Space certification is granted to those

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

- 1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness and Vertical I/Ropes and Rigging.
- 2) Successful completion of the Confined Space ~~Office--approved~~ course, including passage of local testing and State written and practical examinations.
- 3) Prerequisite for taking the course is:
 - A) Successful completion of the Confined Space/Trench Rescue Awareness and Vertical I/Ropes and Rigging.
 - B) Prerequisite for taking State written and practical examination is certification as Firefighter II.
- 4) See Section 140.50(a).

c) Funding:

~~A--maximum-of-56-hours-is-available-for--reimbursement--funding---~~
~~Office-will-fund-this-level-of-training-only-one-time.~~

c)d) Instructor Requirements.

- 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Rescue Awareness, Rescue Specialist - Confined Space.
- 2) ~~Instructor-of-Record-shall-re-certify-annually.~~
- 3) ~~Instructor-re-certification-shall-consist-of-a-method-of-refresher-and-evaluation-in-Office-approved-course.~~
- 2)4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.

3)5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

d)e) Facility Certification and Delivery System.

Educational institutions and fire departments desiring to offer the Rescue Specialist - Confined Space program will be required to:

- 1) File Course Approval Forms annually (See see Section 140.15.)
- 2) Use a facility which has been pre-approved by the Office ~~meeting before--each--course--delivery--and--which-meets the requirements specified by the Office.~~

3) ~~Notify-the-Office-prior-to-each-course-delivery.~~

e)f) State Certification Written Examination.

To be Certified as a Rescue Specialist - Confined Space, candidates must supply the Validation Sheet as proof of passage ~~test--completion roster--or--transcript~~ of locally administered written and practical exams and must pass the State written and practical examination (see Section 140.8).

f)g) State Certification Practical Skill Examination.

- 1) The State practical skill examination consists of a series of evolutions contained in an Office approved course. ~~The Validation Sheet shall be submitted to the Office before certification will be awarded. The practical skill evaluations and answer key shall be retained in the employing fire department~~

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

~~training files. The school shall inform the Office of the date of the--State--practical--examination--to--allow-for-Office-staff-or delegate-to-observe.~~

- 2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Confined Space.
- 3) See Section 140.8(1)(1), (2) and (3).

g)h) Equivalent courses.

- 1) See Section 140.70(c)(2) and (3).
- 2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.
- 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exam will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical exam a second time.

4) ~~Equivalent courses are not eligible for reimbursement-funding.~~

4)5) Requests for equivalency course will not be accepted after June 30, 1999 1998.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.243 Rescue Specialist - Trench I

- a) Rescue Specialist - Trench I is designed to give fire service personnel the basic knowledge and skills to safely perform trench stabilization, shoring equipment placement, and excavation and freeing of the victim from engulfment, as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA (29 CFR 1926, Subpart P).

b) Prerequisites.

Rescue Specialist - Trench I certification is granted to those individuals who have completed a minimum 16 student contact hour course and meet the following qualifications:

- 1) Certification as a Firefighter II and Confined Space/Trench Rescue Awareness.
- 2) Successful completion of the Trench ~~Office--approved~~ course, including passage of local testing and State written and practical examinations.
- 3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness.
- 4) Prerequisite for taking State written and practical examination is certification as Firefighter II and Confined Space/Trench Awareness.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 5) See Section 140.50(a).
- e) Funding:-
A-maximum-of-24-hours-is-available-for-reimbursement-funding---The
Office-will-fund-this-level-of-training-only-one-time:-
- c)d) Instructor Requirements.
 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Trench I.
 2) An-Instructor-of-Record-shall-recertify-annually:-
 3) Instructor-recertification-shall-consist-of-a-refresher-and-evaluation-of-Office-approved-course:-
 2)4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.
 3)5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
 d)e) Facility Certification and Delivery System.
 Educational institutions and fire departments desiring to offer the Rescue Specialist - Trench I program will be required to:
 1) File Course Approval Forms annually. (See Section 140.15.)-
 2) Use a facility which has been pre-approved by the Office meeting before-each-course-delivery-and-which-meets the specifications of the Office approved course.
 3) Notify-the-Office-before-each-course-delivery:-
 e)f) State Certification Written Examination.
 To be certified as a Rescue Specialist - Trench I, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8.)-
 f)g) State Certification Practical Skill Examination.
 1) The State practical skill examination consists of a series of evolutions contained in the Office approved course. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains a Validation Sheet to be completed by the Fire Chief or School Director and Certified Instructor indicating that the tasks have been 100% successfully completed. The validation sheet shall be submitted to the Office before certification will be granted. The practical skill evaluations and answer key shall be retained in the employing department training files.
 2) The State practical skill examination shall be administered by an Instructor of Record, who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Trench I. The-school-shall-inform-the-Office-of-the-date-of-the-State-practical-examination-to-allow-for-Office-staff or-delegate-to-observe.
 3) See Section 140.8(1)(1), (2) and (3).
 g)h) Equivalent courses.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) See Section 140.70(c)(2) and (3).
 2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.
 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to successfully complete an Office approved program prior to taking the State written and practical examination a second time.
 4) Equivalency courses are not eligible for reimbursement funding.
 5) Requests for equivalency course will not be accepted after June 30, 1999 #998.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)
- Section 140.245 Rescue Specialist - Vertical I/Ropes and Rigging**
- a) Rescue Specialist - Vertical I/Ropes and Rigging is designed to give fire service personnel the basic knowledge and skills to safely perform ropes and rigging for vertical rescue as defined by NFPA 1983 (1990 edition) and OSHA (29 CFR 1910.146 (1993)).
 b) Prerequisites.
 Rescue Specialist - Vertical I/Ropes and Rigging is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:
 1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness.
 2) Successful completion of the Vertical I Office-approved course, including passage of local testing, and State written and practical examinations.
 3) Prerequisite for taking the course is: Successful completion of Confined Space/Trench Rescue Awareness.
 4) Prerequisite for taking State written and practical examination is certification as Firefighter II and Confined Space/Trench Awareness.
 5) See Section 140.50(a).
- c) Funding:-
A-maximum-of-56-hours-is-available-for-reimbursement-funding---The
Office-will-fund-this-level-of-training-only-one-time:-
 c)d) Instructor Requirements.
 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Vertical II/High Angle.
 2) Instructor-of-Record-shall-recertify-annually:-
 3) Instructor-recertification-shall-consist-of-a-method-of-refresher and-evaluation-as-prescribed-in-the-Office-approved-course

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

2)4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.

3)5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

d)6) Facility Certification and Delivery System.

Rescue Specialist - Vertical I/Ropes and Rigging program will be required to:

1) File Course Approval Forms annually (see Section 140.15).

2) Use a facility which has been pre-approved by the Office meeting before each course delivery and which meets the requirements specified in the Office approved course.

3) Notify the Office prior to any course delivery.

e)7) State Certified Written Examination.

To be certified as a Rescue Specialist - Vertical I/Ropes and Rigging, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams.

f)8) State Certification Practical Skill Examination.

1) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains a Validation Sheet to be completed and attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed. The Validation Sheet shall be submitted to the Office before certification will be granted. The school shall inform the Office of the date of the State practical examination to allow for office staff or delegate to observe. The practical skill evaluations and answer key shall be retained in the employing department training files.

2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist Vertical I/Ropes and Rigging and Vertical II/High Angle.

3) See Section 140.8(1)(1),(2) and (3).

g)9) Equivalent courses.

1) See Section 140.70(c)(2) and (3).

2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.

3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical examination a second time.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

4) Equivalency courses are not eligible for reimbursement funding.

5) Requests for equivalency course will not be accepted after June 30, 1999 1998.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.246 Rescue Specialist - Vertical II/High Angle

a) Rescue Specialist - Vertical II/High Angle is designed to give fire service personnel the basic knowledge and skills to safely perform advanced high angle and below grade rescues as defined by NFPA 1983 (1990 edition) and OSHA (29 CFR 1910.146 (1993)).

b) Prerequisites.

Rescue Specialist - Vertical II/High Angle certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

1) Certification as a Firefighter II and Rescue Specialist - Vertical I/Ropes and Rigging.

2) Successful completion of the Vertical II Office approved course, including passage of local testing and State written and practical examinations.

3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness and Vertical I/Ropes and Rigging.

4) Prerequisite for taking State written and practical examination is certification as Firefighter II and Vertical I.

5) See Section 140.50(a).

c) Funding.

A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

d) Instructor Requirements.

1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Vertical II - High Angle.

2) Instructor of Record shall recertify annually.

3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.

2)4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.

3)5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

d)6) Facility Certification and Delivery System.

Educational institutions and fire departments desiring to offer the Rescue Specialist - Vertical II/High Angle program will be required to:

1) File Course Approval Forms annually (see Section 140.15).

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 2) Use a facility which has been pre-approved by the Office meeting before--each-course--delivery--and--which-meets the requirements specified in the Office approved course.

3) ~~Notify the Office prior to each course delivery.~~

e) ~~State Certification Written Examination.~~

To be certified as a Rescue Specialist - Vertical II/High Angle, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8)

f) ~~State Certification Practical Skill Examination.~~

- 1) The State practical skill examination consists of a series of evolutions contained in the Office approved course. The evaluation package contains a Validation Sheet to be completed by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed. The Validation Sheet shall be submitted to the Office before certification will be granted. The practical skill evaluations and answer key shall be retained in the employing department training files. ~~The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.~~

- 2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist - Vertical I/Ropes and Riggings and Rescue Specialist - Vertical II/High Angle.

- 3) See Section 140.8(1)(1), (2), and (3).

g) ~~Equivalent Course.~~

Only approved courses will be approved for certification.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.247 Rescue Specialist - Structural Collapse Awareness

- a) Structural Collapse Awareness is designed to give fire personnel a basic awareness of requirements, hazards and techniques of rescue in structural collapse incidents.

- b) Professional qualifications require completion of the Office approved Structural Collapse Awareness course.

- c) Structural Collapse Awareness is designed as the introductory step in the acquisition of knowledge and skills required to safely perform a rescue in a collapsed structure.

- 1) Prerequisites - Structural Collapse Awareness certification is granted to those persons in the fire service who have met the following qualifications:

A) Certification as a Firefighter II

B) Successful completion of a course consisting of at least eight hours of learning objectives in Structural Collapse

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- C) Awareness, including the State written examination Prerequisite for taking the State examination is Firefighter II certification.

- 2) Instructor Requirements. Instructor of Record shall be an Instructor I certified in Structural Collapse Awareness.

- 3) Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Structural Collapse Awareness program will be required to:

A) File Course Approval forms. See Section 140.15.

B) Use a facility that has a classroom and the equipment needed to complete the Student Performance Objectives.

- 4) State Certification Written Examination. To be certified in Structural Collapse Awareness, candidates must supply proof of passage of the course before taking the State written examination, and be certified as a Firefighter II.

- d) As this is a uniquely designed course, there is no equivalency. Only Office approved courses will be acceptable for certification.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 140.300 Rules and Regulations for Reimbursement Funding

- a) The Illinois Fire Protection Training Act (the Act) [50 ILCS 740] mandates the Office to reimburse local governmental agencies or individuals participating in the training program in an amount equaling equalling 1/2 of the sum total paid by them during the period established by the Office for tuition at training schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee. In addition to reimbursement for trainees, the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training program. (Section 10 of the Act)

- b) Section 10 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the 50 percent level), the appropriation shall be apportioned among the participating local governmental agencies. Further, no local government agency which shall alter or change in any manner any of the training programs as promulgated under this Act or fail to comply with rules and regulations promulgated under this Act shall be entitled to receive any matching funds under this Act.

- c) Section 9 of the Act mandates that local governmental agencies shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as established by the local governmental agency as a prerequisite to participate for reimbursement

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

funding. A certified copy of the ordinance must be on file with the Office.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.305 Prerequisites for Participation for Reimbursement Funding

a) Local governmental agencies electing to participate for reimbursement funding under paragraphs 539 and 540 of the Act shall so provide by local ordinance. A sample ordinance may be obtained from the office. To apply for reimbursement funding the local governmental agency must also agree to abide by all rules and regulations for the training of firefighters firefighter.

b) Individuals who are employed by local governmental agencies as firefighters meeting the requirements in the Act which have elected to participate for reimbursement funding, and where the individual and the local government agency have abided by all the rules and regulations as promulgated by the Office, may submit claims for reimbursement funding for expenses incurred by them during the training period. Reimbursement for individuals is limited to tuition, travel expenses and room and board. Reimbursable expenses are subject to the requirements and limitations covered in this Part and Travel Regulations as promulgated by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).

c) Payments to individuals, units of local government, and governmental agencies are limited to reimbursement.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.315 Claim Forms

Forms upon which to claim reimbursement for training expenses are available from the Office, Division of Personnel Standards and Education. These forms require local governmental agencies to prove costs of transportation, room and board, tuition, and salary for the training of firefighters. Receipts must be attached evidencing such claims. Each firefighter must have a separate claim for reimbursement form indicating the number of hours, wages, and amounts expended, for each level of certification. Facsimiles which have the same format as Office forms with prior approval will be accepted.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.320 Claim Deadline

Municipalities, Fire Protection Districts and individuals are encouraged to

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

submit claims as soon as possible after the successful completion of any reimbursable training.

a) Claims for reimbursement can be made only for training within dates specified by the Office and may not include prior or subsequent training.

b) For a calendar year (January 1 - December 31), the deadline for the receipt of claim forms is 5:00 p.m. on February 28.

c) In the event that February 28 falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day.

d) Claim forms must be received by the Office, and not mailed, by the specified dates. Any claim forms arriving after the deadline date will not be processed for reimbursement and will be denied.

e) ~~Claims for training from July 17, 1997 to December 31, 1997 must be submitted by March 27, 1998.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.325 Amount of Reimbursement

The Office will reimburse up to 50% percent of the following costs:

a) Salary

- 1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (Local Governmental Agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.
- 2) The formula for computing a trainee's hourly salary is yearly salary divided by the number of hours for which paid. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.
- 3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.,

A) Promotion	100 hours @ \$4.65
	50 hours @ \$5.28
	OR
B) 1 1/2 time overtime	100 hours @ \$4.65
	50 hours @ \$6.98

b) Tuition and/or registration fees.

c) Food, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.

d) Transportation costs, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.

- 1) If the course is five or more consecutive days and lodging is

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

available (availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will reimburse for one round trip to the training center per week for the duration of the course.

- 2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day.
- 3) If the course is offered on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six consecutive weekends).
 - A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.
 - B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.
- 4) When more than one person from a department shares a ride to a training location with another individual, reimbursement will be provided for only one vehicle (i.e., reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools).
- e) Lodging, not to exceed lodging costs approved by the State Travel Regulations as promulgated by the Governor's Travel Control Board.
- f) The Office will reimburse for other expenses in the amount authorized for Office employees by the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the local governmental agency or individual whichever is less.
- g) For the figures in effect for a given calendar year, individuals, municipalities and Fire Protection Districts should contact the Office for a copy of the applicable travel regulations promulgated by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800), or their successors, for the calendar year.
- h) Maximum hours of funding may be claimed for the following areas:
 - 1) Firefighter II (includes Hazardous Materials Awareness) 450 hours
 - 2) Firefighter III (includes Hazardous Materials Operations) 450 hours
 - 3) Instructor I 54 hours
 - 4) Instructor II 54 hours
 - 5) Fire Apparatus Engineer 54 hours
 - 6) Confined Space/Trench Awareness 12 hours
 - 7) Roadway Extrication 54 hours
 - 8) Airport Firefighter 54 hours
 - 9) Fire Investigator 120 hours
 - 10) Fire Officer I 324 hours
 - 11) Fire Officer II 324 hours

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 12) Fire Officer III 400 hours
- 13) Hazardous Materials Technician A and B 108 hours
- i) Funding is not available for repeat courses.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 140.390 Advisory Committees

- a) The purpose of this rule is to establish standing committees and to provide for the establishment of ad hoc committees from time to time to advise the Office on training programs.

1) Ad hoc committees shall be made up of members of each of the organizations which have ex-officio members on the Illinois Fire Advisory Commission (as provided in ~~Ill. Rev. Stat. 1997--ch. 127-1/27--par. 3-120-1BES-2905/3~~ 50 ILCS 740). ~~and the Illinois Community College Board.~~

- A) Each organization shall have at least one member.
- B) The chairman, President or head of each of the identified organizations listed under subsection (a)(1) shall be contacted as to whom he or she desires to have served on any given committee. In the case of the Illinois Fire Service Institute it will be the Director who will be solicited for persons to serve.

i) Because each committee will deal with specific areas of expertise, the solicitation will be based on specific qualifications. Committee members shall also be solicited from various geographical areas of the state consistent with geographical distribution of expertise to insure input reflecting a general consensus of the total fire service.

ii) In considering member appointments to committees, the Division will not rely on an individual's rank in a given department, but will concentrate on that individual's area of responsibility and his or her level of certification.

- C) Committees shall not exceed 15 25 members, excluding employees of the State of Illinois.
- D) Committees shall be established by the Deputy State Fire Marshal of the Division of Personnel Standards & Education when a problem or issue arises in an area of firefighter training not covered by a standing committee, or when creation of a new program is under consideration. Each committee shall be designated a specific duty and area of responsibility.
- 2) The following standing committees are hereby created with the following duties:
 - A) Fire Officers Committee - review applications and develop

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- programs for Fire Officer certification;
- B) Technical Review Committee - develop review curriculum and proposals for new programs and evaluate existing ones;
 - C) Hazardous Materials Committee - develop and evaluate Hazardous Materials training program;
 - D) Item Review Committee - develop and evaluate exams for all levels of firefighter (II and III);
 - E) Instructors Committee - establish criteria and curriculum for all levels of Instructors;
 - F) Fire Prevention and Investigation Committee - develop curriculum for these areas of certification;
 - G) Airport Firefighter Committee - develop curriculum for Airport Firefighters;
 - H) Fire Apparatus Engineer Committee - develop curriculum and study guide for this field;
 - I) Rescue Specialist - develop curriculum for Rescue Specialist training program.

- b) Committees shall advise the Deputy State Fire Marshal of Personnel Standards & Education on programs, procedures, courses, and other matters relating to the Illinois Fire Protection Training Act within the duties and areas designated. The committees are advisory only, and advice will be:

- 1) Subject to review and analysis by personnel of the Office prior to decision making.
- 2) The committees and their individual members shall not have the authority to bind the Office or make determinations that would confer a benefit or impose a duty upon the Office, the State of Illinois, any employee thereof, nor upon any other person or governmental body.
- 3) Committees shall meet only at the direction of Deputy State Fire Marshal, Personnel Standards & Education.
- c) Committee members shall be deemed independent contractors and shall not be paid for their services-~~but shall be reimbursed for their travel-in-the-amount-allowed-by-the-Governor's-travel--Control--Board, 80-III--Adm--Code-2808.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3) Section Numbers: Proposed Action:
200.10 Amendment
- 4) Statutory Authority: Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Office is updating Part 200 to reference the most recently published edition of National Fire Protection Association Standard No. 58 "Liquefied Petroleum Gas Code".

The current Section 200.10 references the 1995 edition of NFPA 58 - "Standard for the Storage and Handling of Liquefied petroleum Gases". The NFPA has now published an updated 1998 edition of NFPA 58, at the same time changing the title of the standard. The amendment is being proposed at the expressed request of the Illinois Propane Gas Association.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? Yes. The amendment updates the referenced edition of a document published by the National Fire Protection Association - NFPA Standard No. 58 Liquefied Petroleum Gas Code - 1998 edition. (Currently, Section 200.10 references the 1995 edition of the NFPA 58. The amendment proposes to update this reference to the most recent edition of NFPA 58.)

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not expand a mandate upon local governments, small municipalities or non-profit organizations.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submission shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Protection

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those storing, handling, using, or transporting liquefied petroleum gases. Also, any business involved in the manufacturing, supply, or installation of products and equipment for liquefied petroleum gases.

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed amendments will be determined by inspections conducted by fire prevention inspectors of the Office of the State Fire Marshal. This is the current method of determining compliance. The proposed amendment contains no changes to the method of enforcement of the rules, but simply updates the referenced National Fire Protection Association standard that is applicable to such work.

C) Types of professional skills necessary for compliance: The amendments propose no change to the qualifications required to perform work on, or related to, gas appliances or gas piping.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The amendment is being proposed as the result of publication of an updated edition of referenced standard by the National Fire Protection Association. Furthermore, the agency has received correspondence from the Illinois Propane Gas Association requesting an update of the referenced edition of NFPA 58.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 200

STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section	
200.5	Introduction
200.10	Storage and Handling of Liquefied Petroleum Gases
200.20	Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
200.30	Rules For Installation of Gas Appliances And Gas Piping
200.40	Storage and Handling of Liquefied Petroleum Gas
200.50	Installations Must Be In Compliance
200.60	Submittal Of Plans
200.70	Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show
200.80	Operation of Installation Prohibited Until Final Inspection and Approval
200.90	No Supplier Shall Service Any Installation Not In Compliance With Law
200.100	Personnel Must Be Properly Trained
200.110	No Self Service Permitted
200.120	Interstate Commerce Commission or Department of Transportation Containers (Repealed)
200.160	Cylinder System Installations (Bottled Gas) (Repealed)
200.170	Minimum Safety Requirements for Manufacturing American Society of Mechanical Engineers Containers (Repealed)
200.180	Location of Containers (Repealed)
200.190	Abandoned Tanks
200.200	Marking of Tank Trucks and Trailers (Repealed)
200.210	Lighting Requirements on Trucks and Trailers (Repealed)
200.230	Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)
200.240	When Tank Truck May Not Be Left Unattended (Repealed)
200.250	Tank Trucks and Tractors Must Be In Good Repair (Repealed)
200.260	Parking In Congested Areas Prohibited (Repealed)
200.270	Travel In Heavy Traffic Districts To Be Avoided (Repealed)
200.280	Gear Shift Requirements for Loaded Tank Trucks (Repealed)
200.290	Semi-Trailers Loading and Unloading (Repealed)
200.300	Fire Extinguisher Requirements (Repealed)
200.310	Excess Flow Valves Not To Be Tampered With (Repealed)
200.320	When Transportation and Sale Prohibited (Repealed)
200.330	Containers To Be Transported In Upright Position (Repealed)
200.340	Fireworks Prohibited
200.350	Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective August 1, 1995; amended at 21 Ill. Reg. 4999, effective April 15, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases as contained in the 1998 1995 Edition of Standard NFPA Standard No. 58 Liquefied Petroleum Gas Code, ~~except the provisions of--2-2-6-6r~~ by the National Fire Protection Association are mandatory.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: National Affordable Housing Act (HOME) Program
- 2) Code Citation: 47 Ill. Adm. Code 371
- 3) Section Numbers: Proposed Action:
371.30 New
371.40 New
371.50 New
- 4) Statutory Authority: Title II of the National Affordable Housing Act of 1990 (the "HOME Act") (42 USC Section 12701 et seq.) and the regulations promulgated thereunder (24 CFR Part 92) and Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25]
- 5) A Complete Description of the Subjects and Issues Involved: Amend rules to provide a Section requiring notice of its receipt of applications to the appropriate local officials prior to its presentation of such applications to the Members of the Board for funding under the HOME Program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create a State Mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Crystal S. Maher, Esq.
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
312/836-5333

The Authority will consider all written comments received at the above address within 45 days after the date of publication of this Illinois Register.
- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: It will have no impact on any small business.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- C) Types of professional skills necessary for compliance: No new professional skills needed.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it was not anticipated by the Authority when the regulatory agenda was published.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY
PART 371

NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM

Section

- 371.10 Statement of Authority
371.20 Incorporation By Reference
371.30 Definitions
371.40 Notification by Authority
371.50 Comments and Responses

AUTHORITY: Implements Title II of the National Affordable Housing Act of 1990, 42 USC 12701 et seq., as amended, and the regulations promulgated thereunder, 24 CFR Part 92; authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25].

SOURCE: New Part adopted by emergency rule at 21 Ill. Reg. 5369, effective April 11, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 13346, effective September 17, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 371.30 Definitions

"Applicant": A person or entity applying for an allocation of funds from the Program.

"Authority": The Illinois Housing Development Authority.

"Clearinghouse": A State, regional or metropolitan agency designated by the Governor or the Authority, or established by State law, to review and provide notice to appropriate State and local agencies of proposed housing projects.

"Federal HOME Act": Title II of the National Affordable Housing Act of 1990 (P.L. 101-165).

"Governor": The Governor of Illinois.

"Members": The Members of the Authority.

"Part": This Part 371.

"Program": The program established by the State pursuant to the Federal HOME Act and administered by the Authority in accordance with the provisions of this Part through which Federal HOME Program funds allocated to the State will be reallocated to eligible recipients.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Section 371.50 Comments and Responses

- a) Comments. The persons and agencies receiving notice pursuant to this Section shall have 30 days from the date of mailing to submit written comments to the Authority and the Applicant.
- b) Applicant's Response. The Applicant shall respond in writing to all comments received under Section 371.40 of this Part, as well as to any other written comments received by the Applicant, and shall provide copies of all comments and responses to the Authority.
- c) Consideration of Comments. The Members shall consider all comments received pursuant to Section 371.40 of this Part when making their determination.

(Source: Added at 23 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

"Project": A site or an entire building (including a manufactured housing unit), or two or more buildings, together with the site or sites on which the building or buildings is located, that are under common ownership, management, and financing and are to be assisted with Program funds under a commitment by the Recipient, as a single undertaking under this Part. "Project" includes all the activities associated with the site and building. If there is more than one site associated with a Project, the sites must be within a four block area.

"Recipient": An individual or entity that receives Program funds for or on behalf of a Project from the Authority pursuant to a Commitment.

"State": The State of Illinois.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 371.40 Notification by Authority

- a) Notice of Allocation. Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation of Program funds to the following persons and agencies:

- 1) The chairman of the county board of the county in which the project is proposed to be located;
- 2) The mayor or other chief executive of the municipality in which the Project is proposed to be located;
- 3) In municipalities with a population of more than 1.5 million, the alderman of the ward in which the Project is proposed to be located;
- 4) Appropriate Clearinghouses;
- 5) The United States Department of Housing and Urban Development;
- 6) Rural Housing Service, an agency within the United States Department of Agriculture; and
- 7) Each member of the General Assembly from the legislative district in which the Project is proposed to be located.

- b) Forms. Notice under this Section shall be made on forms prepared by the Authority.

- c) Contents. The notice shall set forth the name and address of the Applicant; the estimated amount of the proposed allocation; if applicable, the name and address of the proposed Project; the type of any proposed subsidies; the total number of units; and the type of Project (e.g., elderly, family, or handicapped).

- d) If the application does not request Program funds for a specific Project, the notice of allocation will be sent to the appropriate persons and agencies based on the address of the Applicant.

(Source: Added at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: 113.1
Proposed Action: Amendment

4) Statutory Authority: Section 12-13 and Article III of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]

5) A Complete Description of the Subjects and Issues involved: This amendment expands the eligibility criterion for participation in the Aid to the Aged, Blind or Disabled program. Department policy is to provide assistance to noncitizens over age 65 legally present in the United States but ineligible for Social Security Income (SSI) because of Federal legislation to limit SSI to non-citizens.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated at the time of the Regulatory Agendas.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment published in this issue of the Illinois Register on page _____.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps2) Code Citation: 89 Ill. Adm. Code 1213) Section Numbers: Proposed Action:
121.20 Amendment4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13], the Agricultural Research Extension and Education Reform Act of 1998 and USDA General Letter 98-24.5) A Complete Description of the Subjects and Issues involved: Pursuant to provisions of the Agricultural Research Extension and Education Reform Act of 1998 and USDA General Letter 98-24, these proposed amendments expand the groups of non-citizens who qualify for food stamps. As a result of these proposed amendments, a veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is:

1. Lawful permanent resident;
2. Refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
3. Asylee admitted under Section 208 of the INA;
4. Cuban or Haitian national admitted on or after 4/21/80;
5. Conditional entrant under Section 203(a)(7) of the INA;
6. Parolee status for at least a year under Section 212(d)(5) of the INA;
7. Deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
8. Battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244 (a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.

Non-citizens Who Qualify for a Limited Time

For 7 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps:

1. Refugees admitted under Section 207 of the INA;
2. Asylees admitted under Section 208 of the INA;
3. Persons for whom deportation has been withheld under Section 243(h) of the INA;
4. Cuban or Haitian national admitted on or after 4/21/80; and
5. Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88.

Children, Disabled, or Elderly Non-citizens Who Were Lawfully Residing in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the U.S. on 8/22/96

These proposed amendments establish that a person qualifies as a child if the person is under age 18. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as disabled/blind if the person meets one of the requirements listed in 89 Ill. Adm. Code 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

1. Lawful permanent resident;
2. Refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
3. Asylee admitted under Section 208 of the INA;
4. Cuban or Haitian national admitted on or after 4/21/80;
5. Conditional entrant under Section 203(a)(7) of the INA;
6. Parolee status for at least a year under Section 212(d)(5) of the INA;
7. Deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
8. Battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.

Hmong or Highland Laotian Tribe Members and the Member's Close Family Members

A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 1, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

Certain American Indians born in Canada

An American Indian born in Canada to whom the provisions of Section 289 of the INA apply, and a member of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.105	Amendment	22 Ill. Reg. 11671

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
FAX: (217) 557-1547

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.52 Earned Income from Roomer and Boarder
 121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Composition of the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
 Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting
 121.91 Monthly Reporting
 121.92 Retrospective Budgeting
 121.93 Issuance of Food Stamp Benefits
 121.94 Replacement of the EBT Card or Food Stamp Benefits
 121.95 Restoration of Lost Benefits
 121.96 Uses For Food Coupons
 121.97 Supplemental Payments
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
 121.105 State Food Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150 Definition of Intentional Violations of the Program
 121.151 Penalties for Intentional Violations of the Program
 121.152 Notification To Applicant Households
 121.153 Disqualification Upon Finding of Intentional Violation of the Program
 121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
 121.164 Orientation
 121.166 Assessment and Employability Plan
 121.170 Job Search Component
 121.172 Basic Education Component
 121.174 Job Readiness Component
 121.176 Work Experience Component
 121.178 Job Training Component
 121.180 Grant Diversion Component
 121.182 Earnfare Component
 121.184 Sanctions
 121.186 Good Cause for Failure to Cooperate
 121.188 Supportive Services
 121.190 Conciliation and Fair Hearings
 121.200 Types of Claims (Recodified)
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
 121.206 Determination of Monthly Allotment Reductions (Recodified)
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
 121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Section
121.220 Workfare Components
121.221 Meeting the Work Requirement with the Earnfare Component
121.222 Volunteer Community Work Component
121.223 Work Experience Component
121.224 Supportive Service Payments to Meet the Work Requirement

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 6349, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13688, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status -- Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-citizens -- The following categories of non-citizens may receive assistance, if otherwise eligible:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Non-citizens Credited with 40 Quarters of Work
 - A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.
 - B) Quarters of a parent count for an alien while the alien is under age 18.
 - C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.
 - B) ~~Aliens in this category who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the alien entered the United States.~~
- 2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is: ~~Non-citizens--meet-the-citizenship-requirement-for-food-stamps-if they are:~~
 - A) lawful permanent resident; ~~a--veteran--honorably--discharged from U.S.--military--service--or~~
 - B) refugee admitted under Section 207 of the Immigration and Nationality Act (INA); ~~a--person--in--active--U.S.--military--duty and--the--spouse--or--dependent--child--or--children--of--such person;~~
 - C) asylee admitted under Section 208 of the INA;
 - D) Cuban or Haitian national admitted on or after 4/21/80;
 - E) conditional entrant under Section 203(a)(7) of the INA;
 - F) parolee status for at least a year under Section 212(d)(5) of the INA;
 - G) deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
 - H) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.
- 3) Non-citizens Who Qualify for a Limited Time. For 7 5 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps:
 - A) refugees admitted under Section 207 of the INA;
 - B) asylees admitted under Section 208 of the INA; and
 - C) persons for whom deportation has been withheld under Section 243(h) of the INA; ~~or~~
 - D) Cuban or Haitian national admitted on or after 4/21/80; or
 - E) Amerasians from Vietnam and their close family members

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code Citation: 35 Ill. Adm. Code 611

3) Section Numbers: Proposed Action:
611.101 Amend
611.102 Amend
611.126 Amend
611.290 Amend

4) Statutory Authority: 415 ILCS 5/17, 17.5, and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of November 19, 1998, proposing amendments in docket R99-6 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the federal Safe Drinking Water Act (SDWA), 42 USC Section 300f et seq. (1998), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-6 Federal SDWA amendments that occurred during the period January 1, 1998 through June 30, 1998.

The R99-6 docket amends rules in Part 611 only. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 23361
(April 28, 1998)

USEPA adopted amendments to the requirements for authorization of state SDWA programs, i.e., the state primacy requirements. The primary aspects of this action relate to state civil penalty authority, the time within which the state must adopt amendments corresponding to federal amendments, and the primacy status of the state pending a final USEPA determination on its primacy application. Accompanying amendments clarify the national primary drinking water regulation (NPDWR) definition of "non-community water system," expand the definition of "public water system," and add a definition of "service

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

admitted through the Orderly Departure Program beginning on 3/20/88.

c) Persons who are not within the categories set forth in subsections (a) and (b) of this Section but who were receiving food stamps on August 27, 1996, shall not be terminated based on citizenship until the next recertification after April 1, 1997.

4) Children, disabled, or elderly non-citizens who were lawfully residing in the U.S. on 8/22/96. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

- A) lawful permanent resident;
- B) refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
- C) asylee admitted under Section 208 of the INA;
- D) Cuban or Haitian national admitted on or after 4/21/80;
- E) conditional entrant under Section 203(a)(7) of the INA;
- F) parolee status for at least a year under Section 212(d)(5) of the INA;
- G) deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
- H) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) or 244(a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.

5) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

6) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of Section 289 of the INA apply, and a member of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

connection."

63 Fed. Reg. 31932 (June 11, 1998)
USEPA adopted amendments that allow the use of point-of-entry devices to meet the NPDWRs. USEPA did this by removing the prohibition against doing so.

Specifically, the amendments to Part 611 implement the federal April 28, 1998 amendments to the SDWA definitions and the June 11, 1998 removal of the prohibition against the use of a point-of-entry device to meet the requirements of a NPDWR.

Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.
Section 611.102 is the centralized listing of all documents incorporated by reference for the purposes of Part 611. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. A correction to the existing text of the incorporations deletes a duplicated entry for the 19th edition of "Standard Methods". Finally, the present amendments include the addition of a new document incorporated by reference. That document is NSF Standard 61, pertaining to the lead content of plumbing fixtures, incorporated by reference for the purposes of Section 611.126(b)(3). Copies of all documents incorporated by reference are maintained as part of the Board's official files. They are open to public inspection and copying, as required by law.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R99-6 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Ayeyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. Specifically, the present amendments will affect any entity that is now included in the amended definition of "public water supply" and any entity that wishes to use a point-of-entry device to help achieve compliance with a NPDWR.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. Specifically, the present amendments could affect the scope of the burden imposed on any entity that is now included in the amended definition of "public water supply" and any entity that wishes to use a point-of-entry device to help achieve compliance with a NPDWR.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, the present amendments could affect the types of professional skills needed by any entity that is now included in the amended definition of "public water supply" and any entity that wishes to use a point-of-entry device to help achieve compliance with a NPDWR.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.107	Delegation to Local Government
611.108	Enforcement
611.109	Special Exception Permits
611.110	Section 1415 Variances
611.111	Section 1416 Variances
611.112	Alternative Treatment Techniques
611.113	Siting Requirements
611.114	Source Water Quantity
611.115	Effective dates
611.120	Maximum Contaminant Levels and Finished Water Quality
611.121	Fluoridation Requirement
611.125	Prohibition on Use of Lead
611.126	Special Requirements for Certain Variances and Adjusted Standards
611.130	

SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.211	Groundwater under Direct Influence of Surface Water
611.212	No Method of HPC Analysis
611.213	General Requirements
611.220	Filtration Effective Dates
611.230	Source Water Quality Conditions
611.231	Site-specific Conditions
611.232	Treatment Technique Violations
611.233	Disinfection
611.240	Unfiltered PWSs
611.241	Filtered PWSs
611.242	Filtration
611.250	Unfiltered PWSs: Reporting and Recordkeeping
611.261	Filtered PWSs: Reporting and Recordkeeping
611.262	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.271 Protection during Repair Work
611.272 Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Point-of-Entry Devices
611.280	Use of Point-of-Use Devices or Bottled Water
611.290	

SUBPART D: TREATMENT TECHNIQUES

Section	General Requirements
611.295	Acrylamide and Epichlorohydrin
611.296	Corrosion Control
611.297	

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section	Old MCLs for Inorganic Chemicals
611.300	Revised MCLs for Inorganic Chemicals
611.301	Old MCLs for Organic Chemicals
611.310	Revised MCLs for Organic Contaminants
611.311	Turbidity
611.320	Microbiological Contaminants
611.325	Radium and Gross Alpha Particle Activity
611.330	Beta Particle and Photon Radioactivity
611.331	

SUBPART G: LEAD AND COPPER

Section	General Requirements
611.350	Applicability of Corrosion Control
611.351	Corrosion Control Treatment
611.352	Source Water Treatment
611.353	Lead Service Line Replacement
611.354	Public Education and Supplemental Monitoring
611.355	Tap Water Monitoring for Lead and Copper
611.356	Monitoring for Water Quality Parameters
611.357	Monitoring for Lead and Copper in Source Water
611.358	Analytical Methods
611.359	Reporting
611.360	Recordkeeping
611.361	

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	Alternative Analytical Techniques
611.480	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.490 Certified Laboratories
 611.491 Laboratory Testing Equipment
 611.500 Consecutive PWSs
 611.510 Special Monitoring for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

- Section
 611.521 Routine Coliform Monitoring
 611.522 Repeat Coliform Monitoring
 611.523 Invalidation of Total Coliform Samples
 611.524 Sanitary Surveys
 611.525 Fecal Coliform and E. Coli Testing
 611.526 Analytical Methodology
 611.527 Response to Violation
 611.531 Analytical Requirements
 611.532 Unfiltered PWSs
 611.533 Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

- Section
 611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

- Section
 611.591 Violation of State MCL
 611.592 Frequency of State Monitoring
 611.600 Applicability
 611.601 Monitoring Frequency
 611.602 Asbestos Monitoring Frequency
 611.603 Inorganic Monitoring Frequency
 611.604 Nitrate Monitoring
 611.605 Nitrite Monitoring
 611.606 Confirmation Samples
 611.607 More Frequent Monitoring and Confirmation Sampling
 611.608 Additional Optional Monitoring
 611.609 Determining Compliance
 611.610 Inorganic Monitoring Times
 611.611 Inorganic Analysis
 611.612 Monitoring Requirements for Old Inorganic MCLs
 611.630 Special Monitoring for Sodium
 611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.640 Definitions
 611.641 Old MCLs
 611.645 Analytical Methods for Organic Chemical Contaminants
 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
 611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
 611.650 Monitoring for 36 Contaminants (Repealed)
 611.657 Analytical Methods for 36 Contaminants (Repealed)
 611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

- Section
 611.680 Sampling, Analytical and other Requirements
 611.683 Reduced Monitoring Frequency
 611.684 Averaging
 611.685 Analytical Methods
 611.686 Modification to System
 611.687 Sampling for THM Potential

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

- Section
 611.720 Analytical Methods
 611.731 Gross Alpha
 611.732 Manmade Radioactivity

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

- Section
 611.830 Applicability
 611.831 Monthly Operating Report
 611.832 Notice by Agency
 611.833 Cross Connection Reporting
 611.840 Reporting
 611.851 Reporting MCL and other Violations
 611.852 Reporting other Violations
 611.853 Notice to New Billing Units
 611.854 General Content of Public Notice
 611.855 Mandatory Health Effects Language
 611.856 Fluoride Notice
 611.858 Fluoride Secondary Standard
 611.860 Record Maintenance
 611.870 List of 36 Contaminants

- APPENDIX A Mandatory Health Effects Information
 APPENDIX B Percent Inactivation of G. Lamblia Cysts
 APPENDIX C Common Names of Organic Chemicals

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
APPENDIX E	Mandatory Lead Public Education Information
TABLE A	Total Coliform Monitoring Frequency
TABLE B	Fecal or Total Coliform Density Measurements
TABLE C	Frequency of RDC Measurement
TABLE D	Number of Lead and Copper Monitoring Sites
TABLE E	Lead and Copper Monitoring Start Dates
TABLE F	Number of Water Quality Parameter Sampling Sites
TABLE G	Summary of Monitoring Requirements for Water Quality Parameters
TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs"), including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs"). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Ai" means "inactivation ratio".

"Approved source of bottled water", for the purposes of Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (1998+994). The Board cannot compile an exhausting listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 5-5-e-subsection 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA ~~W-S-BPA~~ has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT[calc]" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectant at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT[99.9]".)

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"CT[99.9]" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT[99.9] for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611.Appendix B. (See "Inactivation Ratio".)
BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (1998+994).

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC ("C") is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settle able particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Gross beta particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"Groundwater under the direct influence of surface water" is as determined in Section 611.212.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"GWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (1998+1994).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$Ai = CT[calc]/CT[99.9]$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \text{SUM}(Ai)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of Giardia lamblia cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (1998+1994).

"Initial compliance period" means the three-year compliance period begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1, 2-trichloroethane, benzo[a]-pyrene, dalaapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)- phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than compliance period that begins on January 1, 1996.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+1994).

"L" means "liter".

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. See Section 611.121.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"MFL" means millions of fibers per liter larger than 10 micrometers.
BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (1998+994).

"mg" means milligrams (1/1000th of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998+994).

"MUG" means 4-methyl-umbelliferyl-beta-D-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"nm" means nanometer (1/1,000,000,000th of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

system (TWS)" or a "non-transient non-community water system (NTNCWS)."
BOARD NOTE: Derived from the definition of "public water system" in 40 CFR 141.2 (1998+994).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the U.S. EPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Person" means an individual, corporation, company, association, partnership, State unit of local government, municipality or Federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA H-S-EPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA H-S-EPA on January 30, 1991, at 56 Fed. Reg. 3578.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA H-S--EPA on July 1, 1991, at 56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by USEPA H-S--EPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picrocurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Public Health" means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; 7 and

Any collection or pretreatment storage facilities not under such

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

control that are used primarily in connection with such system.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (1998+994).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 151-151f, 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
BOARD NOTE: Derived from 40 CFR 141.2 (1998). See sections 1401.4(B)(i)(II) and (4)(B)(i)(III) of SDWA. (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in U.S. EPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb, sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlordane, dalapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endosulf, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users of similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

"The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.
BOARD NOTE: Derived from 40 CFR 141.2 (1998) and sections 1401.4(B)(i)(II) and (4)(B)(i)(III) of SDWA. (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998+994).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (1998+994). See the definition of THMs for a listing of the four compounds that USEPA 8-S-5-EPA considers THMs to comprise.

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994). The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. See 42 USC 8-S-6-300f(4). The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. See Section 3.28 of the Act [415 ILCS 5/3.28]. The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THM are:

Trichloromethane (coliform),
Dibromochloromethane,
Bromodichloromethane and
Tribromomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (1998+994).

"ug" means micrograms (1/1,000,000th of a gram).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"USEPA 8-S-5-EPA" means the U.S. Environmental Protection Agency.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as VOCs, or "volatile organic chemicals" or "volatile organic contaminants", in USEPA 8-S-5-EPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichloro-benzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1998+994).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA 8-S-5-EPA under section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1998+994). The wellhead protection program will include the "groundwater protection needs assessment" under Section 17.1 of the Act, and regulations to be adopted in 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-AEPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Coli in Drinking Water", available from Millipore Corporation, Technical Services Department.

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA Science and Technology Branch.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water", available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)", available from the New York Department of Public Health.

"ONGP-WUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl-beta-d-glucuronide test"), also called the "Autoanalysis Collert System", is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water", July, 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USDOE Manual" means "EML Procedures Manual", available from the United States Department of Energy.

"USEPA Asbestos Methods - 100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July, 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSL.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"USEPA Radioactivity Methods" means "Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual", EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography", available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See Environetics, Inc.

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626:

AMCO-AEPA-1 Polymer. See 40 CFR 141.22(a) (1995). Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476:

"Standard Methods for the Examination of Water and Wastewater", 17th Edition 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater", 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Water Works Association.

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed."):

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN(-) C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN(-) E, Cyanide, Colorimetric Method.

Method 4500-CN(-) F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN(-) G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method II (Proposed).

Method 4500-F(-) B, Fluoride, Preliminary Distillation Step.

Method 4500-F(-) C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F(-) D, Fluoride, SPADNS Method.

Method 4500-F(-) E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO[2](-) B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO[3](-) D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO[3](-) E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO[3](-) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O[3] B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdisilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-SO[4](2-) C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO[4](2-) D, Sulfate, Gravimetric Method with Drying of Residue.

Method 4500-SO[4](2-) F, Sulfate, Automated

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H, B, Tritium, Liquid Scintillation Spectrometric Method

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

~~Standard-Methods-for-the-Examination-of-Water-and Wastewater-18th-Edition-Supplement-1994-(Referred-to-as Standard-Methods-18th-ed.)~~

Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.");

Method 7120-B, Gamma Spectrometric Method.

Method 7500-U C, Uranium, Isotopic Method.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water", July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", "Test Method A--complexometric Titration" & "Test Method B--Atomic Absorption Spectrophotometric", approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", "Test Method A--Colorimetric Ascorbic Acid Reduction", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water", approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water", "Test Method B--Electrometric or Color-Change Titration", approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples", approved June 15, 1991.

ASTM Method D1179-93 B "Standard Test Methods for Fluoride in Water", "Test Method B--Ion Selective Electrode", approved 1993.

ASTM Method D1293-84 "Standard Test Methods for pH of Water", "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement", approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--Atomic Absorption, Direct" & "Test Method C--Atomic Absorption, Graphite Furnace", approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", approved July 28, 1972, discontinued in 1988.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water", approved 1990.

ASTM Method D2907-91, "Standard Test Methods for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Microquantities of Uranium in Water by Fluorometry", "Test Method A--Direct Fluorometric" & "Test Method B--Extraction", approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water", "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water", approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water", approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D3972-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry", approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water", approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water", approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry", approved 1991.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1995).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140 (telephone: 313-769-8010):

NSF Standard 61, section 9, September 1994.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 553-6847:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (Referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498 (referred to as "USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July, 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, EPA-600-4-90-020 (referred to as "USEPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Radiochemical Analytical Procedures for Analysis of Environmental Samples", March, 1979, Doc. No. EMSLLV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

"Radiochemistry Procedures Manual", EPA-520/5-84-006, December, 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October, 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1995): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October, 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, NJ 08625:

"Determination of Radium 228 in Drinking Water", August 1980.

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201:

"Determination of Ra-226 and Ra-228 (Ra-02)", January 1980, revised June 1982.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (1995).

"Fluoride in Water and Wastewater", #380-75WE, February, 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (1995).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621:

"EML Procedures Manual", 27th Edition, Volume 1, 1990.

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

I-2598-85
I-2601-90
I-2700-85
I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey", 1997.

R-1110-76
R-1111-76
R-1120-76
R-1140-76
R-1141-76
R-1142-76
R-1160-76
R-1171-76
R-1180-76
R-1181-76
R-1182-76

- c) The Board incorporates the following federal regulations by reference:
40 CFR 136, Appendix B and C (1998+995).
d) This Part incorporates no later amendments or editions.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 611.126 Prohibition on Use of Lead

- a) In general. Prohibition. Any pipe, pipe or plumbing fitting or fixture, solder or flux, shall be lead free, as defined by subsection (b) (d), if it is used after June 19, 1986, in the installation or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

repair of:

- 1) Any PWS, or
2) Any plumbing in a residential or nonresidential facility providing water for human consumption that ~~which~~ is connected to a PWS. This subsection (a) does not apply to leaded joints necessary for the repair of cast iron pipes.

b) ~~(d)~~ Definition of lead free. For purposes of this Section, the term "lead free":

- 1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead; ~~and~~
2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead; and
3) When used with respect to plumbing fittings and fixtures, refers

to plumbing fittings and fixtures in compliance with NSF Standard 61, section 9, incorporated by reference in Section 611.1102.

BOARD NOTE: Derived from 40 CFR 141.43 (a) and (d) (1998+999) and 42 USC 300g-6(a)(1) (1998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section 611.290 Use of Point-of-Use Devices or Bottled Water

- a) Suppliers shall not use bottled water or ~~point-of-use devices~~ to achieve compliance with an MCL.
b) Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health pursuant to a SEP granted by the Agency under Section 611.110.
c) Any use of bottled water must comply with the substantive requirements of Section 611.130(e), except that the supplier shall submit its quality control plan for Agency review as part of its SEP request, rather than for Board review.

BOARD NOTE: Derived from 40 CFR 141.101 (1998+992).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3) Section Numbers: Proposed Action:

811.706 Amend
811.707 Amend
811.719 Add
811.720 Add
811. Appendix B Amend

4) Statutory Authority: 415 ILCS 5/22.40 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of November 5, 1998, proposing amendments in consolidated dockets R99-1 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle D municipal solid waste landfill (MSWLF) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-1 Federal RCRA Subtitle D amendments that occurred during the period January 1, 1998 through June 30, 1998.

The R99-1 docket amends rules in Part 811 only. The following table briefly summarizes the federal action in the update period:

63 Fed. Reg. 17706 (April 10, 1998)

USEPA adopted amendments that allow private owners and operators of MSWLF facilities to use two additional mechanisms for establishing financial assurance for facility closure, post-closure care, and corrective action. The added mechanisms are a corporate financial test for self-assurance and a corporate guarantee by a guarantor that has a "substantial business relationship" with the owner or operator.

Specifically, the amendments to Part 811 implement the federal April 10, 1998 amendments by incorporating the two added mechanisms for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

demonstrating financial assurance to those already available to private owners and operators of MSWLF facilities.

Section 22.40 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a municipal solid waste landfill. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R99-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a municipal solid waste landfill. The amendments would specifically apply only to private owners and operators of MSWLF facilities. They will afford greater flexibility to these owners and operators by allowing them two additional means for demonstrating financial assurance.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, and maintenance of operating records. The amendments would afford greater flexibility to private owners and operators of MSWLF facilities by allowing them two additional means for demonstrating financial assurance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments would afford greater flexibility to private owners and operators of MSWLF facilities by allowing them two additional means for demonstrating financial assurance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section	
811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

Section	
811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal System
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

811.312 Landfill Gas Processing and Disposal System
 811.313 Intermediate Cover
 811.314 Final Cover System
 811.315 Hydrogeological Site Investigations
 811.316 Plugging and Sealing of Drill Holes
 811.317 Groundwater Impact Assessment
 811.318 Design, Construction, and Operation of Groundwater Monitoring Systems
 811.319 Groundwater Monitoring Programs
 811.320 Groundwater Quality Standards
 811.321 Waste Placement
 811.322 Final Slope and Stabilization
 811.323 Load Checking Program
 811.324 Corrective Action Measures for MSWLF Units
 811.325 Selection of remedy for MSWLF Units
 811.326 Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section

811.401 Scope and Applicability
 811.402 Notice to Generators and Transporters
 811.403 Special Waste Manifests
 811.404 Identification Record
 811.405 Recordkeeping Requirements
 811.406 Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section

811.501 Scope and Applicability
 811.502 Duties and Qualifications of Key Personnel
 811.503 Inspection Activities
 811.504 Sampling Requirements
 811.505 Documentation
 811.506 Foundations and Subbases
 811.507 Compacted Earth Liners
 811.508 Geomembranes
 811.509 Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section

811.700 Scope, Applicability and Definitions
 811.701 Upgrading Financial Assurance
 811.702 Release of Financial Institution
 811.703 Application of Proceeds and Appeals
 811.704 Closure and Postclosure Care Cost Estimates
 811.705 Revision of Cost Estimate

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

811.706 Mechanisms for Financial Assurance
 811.707 Use of Multiple Financial Mechanisms
 811.708 Use of a Financial Mechanism for Multiple Sites
 811.709 Trust Fund for Unrelated Sites
 811.710 Trust Fund
 811.711 Surety Bond Guaranteeing Payment
 811.712 Surety Bond Guaranteeing Performance
 811.713 Letter of Credit
 811.714 Closure Insurance
 811.715 Self-Insurance for Non-commercial Sites
 811.716 Local Government Financial Test
 811.717 Local Government Guarantee
 811.718 Discounting
 811.719 Corporate Financial Test
 811.720 Corporate Guarantee

APPENDIX A Financial Assurance Forms

ILLUSTRATION A Trust Agreement

ILLUSTRATION B Certificate of Acknowledgment
 ILLUSTRATION C Forfeiture Bond
 ILLUSTRATION D Performance Bond
 ILLUSTRATION E Irrevocable Standby Letter of Credit
 ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care

ILLUSTRATION G Operator's Bond Without Surety
 ILLUSTRATION H Operator's Bond With Parent Surety
 ILLUSTRATION I Letter from Chief Financial Officer

APPENDIX B

State-Federal MSWLF Regulations
 Section-by-Section correlation between the Standards-of-the RERA--Subtitle-B--MSWLF-regulations-and-the-Board's-nonhazardous waste-landfill-regulations.

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1, and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. 11491, effective June 23, 1998; amended in R99-1 at 23 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART G: FINANCIAL ASSURANCE

Section 811.706 Mechanisms for Financial Assurance

- a) The owner or operator of a waste disposal site may utilize any of the mechanisms listed in subsections (a)(1) through (a)(10) to provide financial assurance for closure and postclosure care, and for corrective action at an MSWLF unit. An owner or operator of an MSWLF unit shall also meet the requirements of subsections (b), (c), and (d). The mechanisms are as follows:

- 1) A trust fund Pond (see Section 811.710);
- 2) A surety bond quaranteeing payment Bond-Guaranteeing-Payment (see Section 811.711);
- 3) A surety bond quaranteeing performance Bond-Guaranteeing Performance (see Section 811.712);
- 4) A letter of Credit (see Section 811.713);
- 5) Closure insurance (see Section 811.714);
- 6) Self-insurance (see Section 811.715);
- 7) Local government financial test Government-Financial-Test (see Section 811.716); or
- 8) Local government guarantee Government-Guarantee (see Section 811.717);
- 9) Corporate financial test (see Section 811.719); or
- 10) Corporate guarantee (see Section 811.720).

- b) The owner or operator of an MSWLF unit shall ensure that the language of the mechanisms listed in subsection (a), when used for providing financial assurance for closure, postclosure, and corrective action, satisfies the following:

- 1) The amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action; and

- 2) The funds will be available in a timely fashion when needed.

- c) The owner or operator of an MSWLF unit shall provide financial assurance utilizing one or more of the mechanisms listed in subsection (a) within the following dates:

- 1) By April 9, 1997, or such later date granted pursuant to Section 811.700(g), or prior to the initial receipt of solid waste, whichever is later, in the case of closure and post-closure care; or
 - 2) No later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325, in the case of corrective action.
- d) The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or Section 811.326.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Subsections (b) and (c) are derived from 40 CFR 258.74(1) (1996). Amendments prompted by amendments to 40 CFR 258.74(a)(5) (1996). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60327), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 811.707 Use of Multiple Financial Mechanisms

An owner or operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in 35 Ill. Adm. Code 811.710, 811.711 and 811.713 through 811.720 7-811-714; 811-715; 811-716; and 811-717, as applicable, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an aggregate amount at least equal to the current cost estimate for closure, post-closure care or corrective action, except that mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments. The owner or operator may use any or all of the mechanisms to provide for closure and postclosure care of the site or corrective action.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 811.719 Corporate Financial Test

An MSWLF owner or operator that satisfies the requirements of this Section may demonstrate financial assurance up to the amount specified in this Section as follows:

a) Financial component.

- 1) The owner or operator must satisfy one of the following three conditions:

- A) A current rating for its senior unsubordinated debt of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; or
 - B) A ratio of less than 1.5 comparing total liabilities to net worth; or
 - C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities.
- 2) The tangible net worth of the owner or operator must be greater

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

than:

A) The sum of the current closure, post-closure care, and corrective action cost estimates and any other environmental obligations, including guaranties, covered by a financial test plus \$10 million except as provided in subsection (a)(2)(B) of this Section.

B) \$10 million in net worth plus the amount of any guaranties that have not been recognized as liabilities on the financial statements, provided all of the current closure, post-closure care, and corrective action costs and any other environmental obligations covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.

3) The owner or operator must have assets located in the United States amounting to at least the sum of current closure, post-closure care, and corrective action cost estimates and any other environmental obligations covered by a financial test as described in subsection (c) of this Section.

b) Recordkeeping and reporting requirements.

1) The owner or operator must place the following items into the facility's operating record:

A) A letter signed by the owner's or operator's chief financial officer that includes the following:

i) All the current cost estimates covered by a financial test, including, but not limited to, cost estimates required for municipal solid waste management facilities under this Part; cost estimates required for UIC facilities under 35 Ill. Adm. Code 730, if applicable; cost estimates required for petroleum underground storage tank facilities under 40 CFR 280, if applicable; cost estimates required for PCB storage facilities under 40 CFR 761, if applicable; and cost estimates required for hazardous waste treatment, storage, and disposal facilities under 35 Ill. Adm. Code 724 or 725, if applicable; and

ii) Evidence demonstrating that the firm meets the conditions of subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) of this Section and subsection (a)(2) and (a)(3) of this Section.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

potential exception for qualified opinions provided in the next sentence. The Agency shall evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator shall provide alternative financial assurance that meets the requirements of this Section.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (a)(1)(B) or (a)(1)(C) of this Section that are different from data in the audited financial statements referred to in subsection (b)(1)(B) of this Section or any other audited financial statement or data filed with the Federal Security Exchange Commission, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

D) If the chief financial officer's letter provides a demonstration that the firm has assured for environmental obligations, as provided in subsection (a)(2)(B) of this Section, then the letter shall include a report from the independent certified public accountant that verifies that all of the environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements, how these obligations have been measured and reported, and that the tangible net worth of the firm is at least \$10 million plus the amount of any guaranties provided.

2) An owner or operator shall place the items specified in subsection (b)(1) of this Section in the operating record and notify the Agency in writing that these items have been placed in the operating record before the initial receipt of waste or before February 10, 1999, whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected, in accordance with the requirements of Section 811.324.

BOARD NOTE: Corresponding 40 CFR 258.74(e)(2)(ii) provides that this requirement is effective "before the initial receipt of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

waste or before the effective date of the requirements of this Section (April 9, 1997 or October 9, 1997 for MSWLF units meeting the conditions of Sec. 258.1(f)(1)), whichever is later." The Board has instead inserted the date on which these amendments are to be filed and become effective in Illinois.

- 3) After the initial placement of items specified in subsection (b)(1) of this Section in the operating record, the owner or operator must annually update the information and place updated information in the operating record within 90 days following the close of the owner's or operator's fiscal year. The Agency shall provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (b)(1) of this Section.

- 4) The owner or operator is no longer required to submit the items specified in this subsection (b) or comply with the requirements of this Section when either of the following occurs:

- A) It substitutes alternative financial assurance as specified in this Section that is not subject to these recordkeeping and reporting requirements; or
- B) It is released from the requirements of this Section in accordance with Sections 811.700 and 811.706.

- 5) If the owner or operator no longer meets the requirements of subsection (a) of this Section, the owner or operator shall obtain alternative financial assurance that meets the requirements of this Section within 120 days following the close of the facility's fiscal year. The owner or operator shall also place the required submissions for the alternative financial assurance in the facility operating record and notify the Agency that it no longer meets the criteria of the financial test and that it has obtained alternative financial assurance.

- 6) The Agency may require the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation specified in subsection (b) of this Section at any time it has a reasonable belief that the owner or operator may no longer meet the requirements of subsection (a) of this Section. If the Agency finds that the owner or operator no longer meets the requirements of subsection (a) of this Section, the owner or operator shall provide alternative financial assurance that meets the requirements of this Section.

- c) Calculation of costs to be assured. When calculating the current cost estimates for closure, post-closure care, or corrective action, or the sum of the combination of such costs to be covered, and any other environmental obligations assured by a financial test referred to in this Section, the owner or operator shall include cost estimates required for municipal solid waste management facilities under this Part, as well as cost estimates required for the following

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

environmental obligations, if it assures them through a financial test: obligations associated with UIC facilities under 35 Ill. Adm. Code 730; petroleum underground storage tank facilities under 40 CFR 280; PCB storage facilities under 40 CFR 761; and hazardous waste treatment, storage, and disposal facilities under 35 Ill. Adm. Code 724 or 725.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 811.720 Corporate Guarantee

- a) An owner or operator of an MSWLF may meet the requirements of 35 Ill. Adm. Code 811.700 and 811.706 by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in Section 811.719 and must comply with the terms of the guarantee. The owner or operator shall place a certified copy of the guarantee in the facility's operating record along with a copy of the letter from the guarantor's chief financial officer and copies of the accountants' opinions. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

- b) The guarantee must be effective and all required submissions placed in the operating record before the initial receipt of waste or before February 10, 1999, whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Section 811.324, in the case of corrective action.

BOARD NOTE: Corresponding 40 CFR 258.74(g)(2) provides that this requirement is effective "before the initial receipt of waste or before the effective date of the requirements of this Section (April 9, 1997 or October 9, 1997 for MSWLF units meeting the conditions of Sec. 258.1(f)(1)), whichever is later." The Board has instead inserted the date on which these amendments are to be filed and become effective in Illinois.

- c) The terms of the guarantee must provide as follows:

- 1) If the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor will:

- A) Perform, or pay a third party to perform closure,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

post-closure care, and corrective action, as required (performance guarantee); or

- B) Establish a fully funded trust fund, as specified in Section 811.709 or 811.710, in the name of the owner or operator (payment guarantee).

- 2) The guarantee will remain in force for as long as the owner or operator must comply with the applicable financial assurance requirements of this Subpart unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date on which the owner or operator and the Agency have both received the notice of cancellation, as evidenced by the return receipts.

- 3) If the guarantor gives notice of cancellation, the owner or operator shall obtain alternative financial assurance, place evidence of that alternative financial assurance in the facility operating record, and notify the Agency within 90 days following receipt of the cancellation notice by the owner or operator and the Agency. If the owner or operator fails to obtain alternative financial assurance within the 90-day period, the guarantor must provide that alternative assurance within 120 days after the cancellation notice, obtain alternative financial assurance, place evidence of the alternative assurance in the facility operating record, and notify the Agency.

- d) If a corporate guarantor no longer meets the requirements of Section 811.719(a), the owner or operator shall obtain alternative assurance, place evidence of the alternative assurance in the facility operating record, and notify the Agency within 90 days. If the owner or operator fails to provide alternative financial assurance within the 90-day period, the guarantor shall provide that alternative assurance within the next 30 days.

- e) The owner or operator is no longer required to meet the requirements of this Section when:

- 1) The owner or operator substitutes alternative financial assurance, as specified in this Subpart G; or
- 2) The owner or operator is released from the requirements of this Subpart G in accordance with Sections 811.700 and 811.706.

(Source: Added at 23 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 811. APPENDIX B State-Federal MSWLF Regulations Correlation Table
 Section-by-Section--correlation--between--the--Standards-of-the-RCRA-Subtitle-D
 MSWLF-regulations-and-the-Board's-nonhazardous-waste-landfill-regulations-

RCRA SUBTITLE D REGULATIONS

ILLINOIS LANDFILL REGULATIONS

I. SUBPART A: General

- 1) Purpose, Scope, and Applicability (40 CFR 258.1)
- 1) NL(1): Sections 811.101
 811.301, 811.401, 811.501, and
 811.700. EL(2): Section
 814.101.

2) Definitions (40 CFR 258.2)

- 2) Section 810.103.

II. SUBPART B: Location Restrictions

1) Airport safety (40 CFR 258.10)

- 1) NL(1): Section 811.302(e).
 EL(2): Section 814.302(c) and
 814.402(c).

2) Floodplains. (40 CFR 258.11)

- 2) NL(1): Section 811.102(b).
 EL(2): Section 814.302 and
 814.402.

3) Wetlands. (40 CFR 248.12)

- 3) NL(1): Sections 811.102(d),
 811.102(e), and 811.103. EL(2):
 Section 814.302 and 814.402.

4) Fault areas. (40 CFR 258.13)

- 4) NL(1): Sections 811.304
 and 811.305. EL(2): Section
 814.302 and 814.402.

5) Seismic impact zones. (40 CFR 258.14)

- 5) See above.

6) Unstable areas. (40 CFR 258.15)

- 6) NL(1): Sections 811.304 and
 811.305. EL(2): Sections
 811.302(c) and 811.402(c).

7) Closure of existing MSWL units. (40 CFR 258.16)

- 7) EL(2): Sections 814.301 and
 814.401.

III. SUBPART C: Operating Criteria

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Procedures for excluding the receipt of hazardous waste. (40 CFR 258.20)
- 2) Cover material requirements. (40 CFR 258.21)
- 3) Disease vector control. (40 CFR 258.22)
- 4) Explosive gas control. (40 CFR 258.23)
- 5) Air criteria. (40 CFR 258.24)
- 6) Access requirements. (40 CFR 258.25)
- 7) Run-on/run-off control system. (40 CFR 258.26)
- 8) Surface water requirements. (40 CFR 258.27)
- 9) Liquids restrictions. (40 CFR 258.28)
- 10) Recordkeeping requirements. (40 CFR 258.29)
- IV. SUBPART D: Design criteria (40 CFR 258.40)
 - IV) NL(1): 811.303, 811.304, 811.305, 811.306, 811.307, 811.308, 811.309, 811.315, 811.316, 811.317, and 811.318. EL(2): Sections 814.302 and 814.402.

V. SUBPART E: Groundwater Monitoring and Corrective Action

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Applicability.
 - 1) NL(1): 35 Section 811.319 (a)(1). EL(2): Sections 814.302 and 814.402.
- 2) Groundwater monitoring systems. (40 CFR 258.51)
 - 2) NL(1): Sections 811.318 and 811.320(d). EL(2): Sections 814.302 and 814.402.
- 3) Groundwater sampling and analysis. (40 CFR 258.53)
 - 3) NL(1): Section 811.318(e), 811.320(d), 811.320(e). EL(2): Sections 814.302 and 814.402.
- 4) Detection monitoring program. (40 CFR 258.54)
 - 4) NL(1): Section 811.319(a). EL(2): Sections 814.302 and 814.402.
- 5) Assessment monitoring program. (40 CFR 258.55)
 - 5) NL(1): Section 811.319(b). EL(2): Sections 814.302 and 814.402.
- 6) Assessment of corrective measures. (40 CFR 258.56)
 - 6) NL(1): Sections 811.319(d) and 811.324. EL(2): Sections 814.302 and 814.402.
- 7) Selection of remedy. (40 CFR 258.57)
 - 7) NL(1): Sections 811.319(d) and 811.325. EL(2): Sections 814.302 and 814.402.
- 8) Implementation of the corrective action program. (40 CFR 258.58)
 - 8) NL(1): Sections 811.319(d) and 811.325. EL(2): Sections 814.302 and 814.402.
- VI. SUBPART F: Closure and Post-Closure Care
 - 1) Closure criteria. (40 CFR 258.60)
 - 1) NL(1): Sections 811.110, 811.315 and 811.322. EL(2): Sections 814.302 and 814.402.
 - 2) Post-closure care requirements. (40 CFR 258.61)
 - 2) NL(1): Section 811.111. EL(2): Sections 814.302 and 814.402.
- VII. SUBPART G: Financial Assurance Criteria
 - 1) Applicability and effective date. (40 CFR 258.70)
 - 1) NL(1): Section 811.700. EL(2): Sections 814.302 and 814.402.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Financial assurance for closure. (40 CFR 258.71)
- 3) Financial assurance for post-closure. (40 CFR 258.72)
- 4) Financial assurance for corrective action. (40 CFR 258.73)
- 5) Allowable mechanisms. (40 CFR 258.74 and 258.75)
- 6) NL(1): Section 811.701 through 811.705, EL(2): Sections 814.302 and 814.402.
- 7) Same as (2).
- 8) Same as (2).
- 9) NL(1): Section 811.706 through 811.720, EL(2): Sections 814.302 and 814.402.

1 - NL: New Landfill; 2 - EL: Existing Landfill and Lateral Expansions.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Acupuncture Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1140
- 3) Section Numbers:

1140.10	Proposed Action:
1140.20	New Section
1140.30	New Section
1140.40	New Section
1140.50	New Section
1140.60	New Section
1140.70	New Section
1140.80	New Section
1140.110	New Section
1140.120	New Section
- 4) Statutory Authority: Acupuncture Practice Act [225 ILCS 2]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-706, effective January 31, 1997, provides for the licensure of acupuncturists by the Department of Professional Regulation. When adopted, these rules will allow the Department to begin accepting and processing licensure applications.

Section 1140.30 sets forth the requirements for applicants to obtain a license by examination. Also included in this Section are the requirements for individuals, who have actively practiced acupuncture for 3 of the last 5 years and who apply by December 1, 1999, desiring to obtain a license without an examination.

These proposed rules tell how persons licensed or registered as acupuncturists in other jurisdictions may obtain licensure by endorsement in Illinois. They also describe how to renew or restore a license, how to place a license on inactive status and under what circumstances the Director of the Department may grant variances to these rules. Acts constituting unethical, unauthorized or unprofessional conduct have been set forth in Section 1140.100.

Fees for acupuncturist licensure, renewal and general processing fees are set forth in Section 1140.20.
- 6) Will this rulemaking replace an emergency rule making currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do this rulemaking contain incorporations by reference? Yes

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing acupuncture services.

B) Reporting, bookkeeping or other procedures required for compliance: Every acupuncturist license issued under the Act shall expire on June 30 of odd numbered years. The first license renewal period will be June 30, 2001. Licensees are responsible for notifying the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew a license. Beginning with the June 30, 2001 renewal, licensees will be required to complete 24 hours of continuing education in order to renew a license.

- C) Types of professional skills necessary for compliance: Acupuncture skills are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1140
 ACUPUNCTURE PRACTICE ACT

Section	Definitions
1140.10	Fees
1140.20	Application for Licensure
1140.30	Endorsement
1140.50	Renewals
1140.60	Unprofessional Conduct
1140.100	Granting Variances
1140.110	

AUTHORITY: Implementing the Acupuncture Practice Act (225 ILCS 2) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 23 Ill. Reg. _____, effective _____.

Section 1140.10 Definitions

"Act" means the Acupuncture Practice Act [225 ILCS 2].

"Acupuncturist" means a person who practices acupuncture and is licensed by the Department.

"Board" means the Board of Acupuncture.

"Department" means the Department of Professional Regulation.

"Evaluation in Acupuncture" means the use of Oriental diagnosis and therapeutic theories to determine the treatment plan.

Section 1140.20 Fees

The following fees shall be paid to the Department and are not refundable:

- Application Fees. The fee for application for a license as an acupuncturist is \$500.
- Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$250 per year.
- General Fees.
 - The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

exceed \$1,000.

- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for the certification of a license for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 5) The fee for a roster of persons licensed as acupuncturists in this State shall be the actual cost of producing such a roster.

Section 1140.30 Application for Licensure

- a) An applicant for an acupuncture license shall apply on forms approved by the Department. The application shall include:

- 1) Either:
 - A) Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department; or
 - B) Current certification from the National Commission for the Certification of Acupuncture and Oriental Medicine;
 - 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
 - 3) Proof of 15 hours of continuing education in acupuncture completed within 2 years prior to application. Such continuing education shall be approved by NCCAOM or an equivalent entity approved by the Board;
 - 4) A complete work history; and
 - 5) The required fee specified in Section 1140.20 of this Part.
- b) In lieu of the requirements in subsection (a)(1) and (a)(2) above, an applicant may, prior to December 31, 1999, submit proof of active practice for at least 3 of the last 5 years and:
- 1) Graduation from a formal full-time acupuncture program consisting of a minimum of 1,350 hours of entry level acupuncture education (including at least 90 hours of clinic). A copy of the transcript shall accompany the application; or
 - 2) Completion of an apprenticeship, signed by the preceptor, of at least 4,000 contact hours in acupuncture techniques in a 3- to 6-year period. The preceptor must have had at least 5 years experience prior to the beginning of the apprenticeship, and his or her practice must include the use of acupuncture as a primary means of treatment with a minimum of 100 different patients and

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

500 patient visits per year during the apprenticeship. A copy of the preceptor's curriculum vitae shall accompany the application; or

- 3) Practice of acupuncture as a primary means of treatment for at least 5 additional years (a total of a minimum of 8 years) that includes the use of acupuncture in general practice with a minimum of 100 different patients and 500 patient visits per year. Five affidavits attesting to 5 years of practice from peers or colleagues shall accompany the application.
- c) All documents shall be submitted to the Department in English.
- d) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- e) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1140.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as an acupuncturist shall file an application with the Department, on forms provided by the Department, that includes:
 - 1) Either:
 - A) Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department;
 - B) Current certification from the National Commission for the Certification of Acupuncture and Oriental Medicine; or
 - C) Verification of meeting examination, education, apprenticeship or experience requirements as set forth in Section 1140.30 of this Part for individuals licensed in

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

another jurisdiction prior to January 1, 2000;

- 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
 - 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
 - 4) Complete work history; and
 - 5) The required fee specified in Section 1140.60 of this Part.
- b) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or whether the applicant possesses individual qualifications that were substantially equivalent to the requirements of the Act.
- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

Section 1140.60 Renewals

- a) The first renewal period for licensure under the Act shall be June 30, 2001. Thereafter, every license issued under the Act shall expire on June 30 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 110 of the Act.

Section 1140.100 Unprofessional Conduct

- a) Pursuant to Section 110 of the Act, unethical, unauthorized, or unprofessional conduct in the practice of acupuncture shall include, but not be limited to:
 - 1) Procuring, attempting to procure or renewing a license by bribery, or by fraudulent misrepresentation;
 - 2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 3) Circulating untruthful, fraudulent, deceptive or misleading advertising;
- 4) Willfully failing to report any violation of the Act or this Part;
- 5) Willfully or repeatedly violating a lawful order of the Board or the Department previously entered in a disciplinary hearing;
- 6) Accepting and performing professional responsibilities that the licensee knows, or has reason to know, he/she is not competent to perform;
- 7) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
- 8) Gross or repeated malpractice or the failure to deliver acupuncture services with that level of care, skill and treatment that is recognized by a reasonably prudent acupuncturist with similar professional training as being acceptable under similar conditions and circumstances;
- 9) Dividing with anyone, other than physicians with whom the licensee receives referrals or another acupuncturist with whom the licensee works, any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing in a partnership, limited liability partnership, limited liability company or a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership or corporation.
- b) The Department hereby incorporates by reference the "Statement of Ethics and Professional Conduct" of the National Commission for the Certification of Acupuncture and Oriental Medicine, with no later amendments or editions.

Section 1140.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons therefor, at the next meeting of the Board.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Real Estate Appraiser Certification

2) Code Citation: 68 Ill. Adm. Code 1455

3) Section Numbers: Adopted Action:

1455.10 Repealed
1455.15 Repealed
1455.20 Repealed
1455.30 Repealed
1455.40 Repealed
1455.50 Repealed
1455.60 Repealed
1455.70 Repealed
1455.80 Repealed
1455.200 Repealed
1455.205 Repealed
1455.210 Repealed
1455.300 Repealed
1455.305 Repealed
1455.310 Repealed

4) Statutory Authority: Authorized by the Real Estate License Act of 1983 [225 ILCS 455]

5) Effective Date of Rulemaking: November 30, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 31, 1998

10) Has JCAR issued a Statement of Objections to this repealer? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Effective July 1, 1998 the Real Estate Appraiser Licensing Act [225 ILCS 457] became effective. These rules are

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

being repealed to be replaced with updated rules.

16) Information and questions regarding these adopted repealers shall be directed to:

Name: William J. Brown

Address: Office of Banks and Real Estate

500 East Monroe Street, Suite 900

Springfield, Illinois 62701

Telephone: (217)782-3000 fax (217)524-5941

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Extensions of Jurisdiction

- 2) Code Citation: 80 Ill. Adm. Code 305

- 3) Section Numbers: Adopted Action:
305.210 New
305.220 New

- 4) Statutory Authority: Implementing and authorized by the Personnel Code
[20 ILCS 415/4b]

- 5) Effective Date of Amendments: December 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these Amendments contain incorporations by reference? No

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposal Published in Illinois Register: September 4, 1998,
22 Ill. Reg. 15858

- 10) Has JCAR issued a Statement of Objections to the Amendments? No

- 11) Differences between proposal and final version: No changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

- 13) Will these amendments replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This amendment will extend Personnel Code jurisdiction to certain employees of the Department of Military Affairs and the Illinois Racing Board and sets forth the procedures for bringing incumbent (and currently exempt) employees under such jurisdiction. These procedures are consistent with procedures for other extensions of jurisdiction in this Part.

- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART. 305
EXTENSIONS OF JURISDICTION

Section	
305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective DEC 1 1998.

Section 305.210 Extends Jurisdiction A, B and C (December 1, 1998)

Effective December 1, 1998, Jurisdiction A, B and C of the Personnel Code will be extended to all current Military Security Guard I and II employees in the Department of Military Affairs. Employees of these positions serving prior to December 1, 1998 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 will be made pursuant to provisions of the Illinois Personnel Code and Rules of the Department of Central Management Services.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. 21302, effective DEC 1 1998)

Section 305.220 Extends Jurisdiction A, B and C (December 1, 1998)

Effective December 1, 1998, Jurisdictions A, B and C of the Personnel Code will be extended to previously non-Code employees of the Illinois Racing Board who are in positions identified by the Board, with concurrence of the Director of Central Management Services and the Civil Service Commission, as not meeting the criteria for exemption set forth in 230 ILCS 5/9(h). Employees serving, as of December 1, 1998, in positions to which the Personnel Code is extended will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 in such positions will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and Personnel Rules of the Department of Central Management Services will apply to employees covered by the above provisions effective December 1, 1998.

(Source: Added at 22 Ill. Reg. 21302, effective DEC 1 1998)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Employee Conflict of Interest

2) Code Citation: 89 Ill. Adm. Code 437

3) Section Numbers: Adopted Action:
437.40 Amend
437.50 Amend

4) Statutory Authority: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; Section 4 of the Children and Family Services Act [20 ILCS 505/4] and Article 50 of the Illinois Procurement Code [30 ILCS 500].

5) Effective Date of Amendments: December 15, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? No

8) A copy of the adopted amendments is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 6, 1998 at 22 Ill. Reg. 11254

10) Has JCAR issued a Statement of Objections to these rule(s): No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these rule amendments replace an emergency rule currently in effect:
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule Amendments: These rules describe and prohibit behavior which constitutes conflicts of interest between the personal interest of full-time and part-time staff of the Department of Children and Family Services and the discharge of official duties in relationship to Department clients and service providers. Amendments exclude appointments to boards and professional advisory committees as potential conflicts of interest when such appointments are required by statute or Executive Order; address the situations of staff who are licensed as day care homes and there is no agency within fifty miles which could supervise the license and those employees who adopt child(ren) or receive adoption

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

assistance.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
(217) 524-1983
TDD: (217) 524-3715
E-Mail: ORPINFO@pop.state.il.us

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

EMPLOYEE CONFLICT OF INTEREST

- Section
 437.1 Purpose (Repealed)
 437.2 Definitions (Repealed)
 437.3 Department Statutory Responsibilities (Repealed)
 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
 437.7 Requirements of the Governmental Ethics Act (Repealed)
 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
 437.9 Violations of Part 437 (Repealed)
 437.10 Purpose
 437.20 Definitions
 437.30 Department Statutory Responsibilities
 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety
 437.50 Prohibitions Under the Illinois Procurement Code Purchasing-Act
 437.60 Requirements of the Governmental Ethics Act
 437.70 Prohibition of Employee Conflicts in the Care of Children
 437.80 Requirements of Executive Order #3 (1977)
 437.90 Violations of Part 437

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; Section 4 of the Children and Family Services Act [20 ILCS 505/4]; and Article 50 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8 '0, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1989; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCRC Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg. 21306, effective

DEC 15 1998

Section 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.
- b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licensees are exempt from this restriction.
- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.
- d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the Office of Internal Audits office--of--internal--audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee. An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection.
- e) An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.
- f) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

under circumstances that might reasonably be construed to influence the performance of his or her official duties.

- g) No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.
- h) No employee may accept an honorarium for speeches, panel participation or written materials when:

- 1) he or she is speaking or writing as a representative of the Department; or
- 2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or
- 3) travel and related expenses are paid by the State.

- i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's Office of Internal Audits ~~office-of-internal-audits~~ within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).

- j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.

- k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.

- l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.

- m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.
- n) When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.

- o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care homes licenses within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.

- p) When an employee or spouse seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

adoption or eligibility for adoption assistance shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If an adoption assistance agreement is entered into, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed and by employees who have no significant working relationship with the employee involved. Service responsibility for any employee currently involved in adopting a child or applying for or receiving adoption assistance shall be transferred by June 30, 1999 to a private agency or region other than that in which the individual is employed.

g) An employee who currently holds a valid license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.

i) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.

s) An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Procurement Code [30 ILCS 500] Illinois-Purchasing Act-f30-505j. (See Section 437.50.)

t) An employee engaged in a secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.

u) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere

with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Amended at 22 Ill. Reg. 21306, effective DEC 15 1998)

Section 437.50 Prohibitions Under the Illinois Procurement Code Purchasing-Act

a) Employees who are receiving remuneration for services as State employees of the Department are subject to the provisions of the Illinois Procurement Code [30 ILCS 500] prohibitions-of-the-illinois-purchasing-act-f30-505j. Very generally, the Illinois Procurement Code Purchasing-Act prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains a reporting requirements requirement and an exemption provisions provision. All State employees must comply with the provisions of the Illinois Procurement Code Purchasing-Act. State employees should, therefore, consult the Code Act to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Code Act.

b) Section 50-13 of the Illinois Procurement Code excludes from its conflict of interest provisions Section-11-of-the-purchasing-act-f30-505/11-1-excludes-from-its-restrictions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for personal services as a teacher or school administrator at any school district, public community college district or State university teaching-services-at-a-public-or-private-college-community-college-or-university.

(Source: Amended at 22 Ill. Reg. 21306, effective DEC 15 1998)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:
302.310 Amend
302.405 Amend
302.Appendix B Repeal
- 4) Statutory Authority: The Children and Family Services Act (20 ILCS 505) and the Adoption Act [750 ILCS 50].
- 5) Effective Date of Amendments: December 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 1, 1998 at 22 Ill. Reg. 7424

- 10) Has JCAR issued a Statement of Objections to these rule(s): No

- 11) Difference(s) between proposal and final version:

Section 302.310

Section 302.310(a) - In the first sentence of (a), the words "for whom the Department is legally responsible" were added after "who are legally free for adoption".

In the second sentence, the words "and the adoptive parents" were added prior to "on an individual basis".

In (a)(2), a second sentence was added which reads "Such payments include medical benefits as provided by Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions."

In (b)(2)(D), "subsection (b)(2)" was added before "(A) through (C)".

In (b)(2)(E), "another child(ren)" was replaced by "another child".

In (e), "determine" was replaced by "make an initial determination"; "SSI" was deleted, as were "financial settlements, payments, inheritances, or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The following sentence was added to the end of (e): "Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when calculating the amount of the SSI benefit".

In (h), "and the types of adoption assistance" was added immediately after "availability of adoption assistance".

Subparagraph (j)(3) was rewritten as follows; "the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required; or".

(j)(4) was deleted;

(j)(5) was relabeled to (j)(4) and the following sentence was added to the end: "Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child"

Section 302.405

In Section 302.405(a)(2), the following sentence was added to the paragraph: "Such payments include medical benefits as provided by Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions."

In (c)(2), paragraph (C) was deleted and paragraphs (D) and (E) were relabeled to (C) and (D).

In (e)(1), the words "in an amount not to exceed the amount of the foster care payment the child would be receiving if the child were in foster care" were deleted and replaced by "in the same manner as described for adoption assistance in Section 302.310(e) of this Part".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these rule amendments replace an emergency rule currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule Amendments: These amendments eliminate consideration of adoptive parents' or subsidized guardian's income in calculating the subsidy. In addition, these amendments eliminate

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

consideration of income and benefits received on behalf of the child after the initial subsidy agreement was signed.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498
(217) 524-1983
TDD: (217) 524-3715
E-Mail: ORPINFO@pop.state.il.us

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section
302.10 Purpose
302.20 Definitions
302.30 Introduction
302.40 Department Service Goals
302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section
302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
302.110 Content of Child Abuse or Neglect Reports (Recodified)
302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130 Special Types of Reports (Recodified)
302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150 Delegation of the Investigation (Recodified)
302.160 The Investigative Process (Recodified)
302.170 Taking Children Into Temporary Protective Custody (Recodified)
302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section
302.300 Adoptive Placement Services (Repealed)
302.305 Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
302.310 Adoption Assistance Agreements
302.311 Nonrecurring Adoption Expenses (Repealed)
302.315 Adoption Registry (Repealed)
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.370 Homemaker Services
302.380 Information and Referral Services

Adoptive Placement Services (Repealed)
Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible
Adoption Assistance Agreements
Nonrecurring Adoption Expenses (Repealed)
Adoption Registry (Repealed)
Counseling or Casework Services
Day Care Services
Emergency Caretaker Services
Family Planning Services
Health Care Services
Homemaker Services
Information and Referral Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.390 Placement Services (Repealed)
 302.400 Successor Guardianship (Repealed)
 302.405 Subsidized Guardianship Program

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
 302.500 Purpose
 302.510 Implementation of the Family Preservation Act
 302.520 Types of Intensive Family Preservation Services
 302.530 Phase In Plan for Statewide Family Preservation Services
 302.540 Time Frames

APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
 APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 11 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. **21314**, effective **DEC 1 1998**.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance Agreements

a) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, for whom the Department is legally responsible, who are residents of Illinois, and who the Department has determined have special needs because of which it is reasonable to conclude that the child cannot be adopted unless adoption assistance is provided. Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance under each adoption assistance agreement shall be determined by the Department and the adoptive parents on an individual basis. The Department shall take into consideration the specific circumstances of the adoptive parents (e.g., parents' taxable income) and any special care needs of the child being adopted as described in subsection (b)(2) of this Section. The types of adoption assistance that may be provided include:

- 1) one-time only payments of non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500-98 for each adopted child;
- 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition, whose onset has been established as occurring prior to the completion of the adoption. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions;
- 3) in cases where a child also meets the eligibility requirements of subsection (d) of this Section, ongoing monthly payments in an amount determined in each case by the Department not to exceed the applicable licensed foster care payment level the child would be receiving if the child were in foster care in accordance with the formula described in Appendix B, Calculating the Amount of Adoption Assistance, and subject to adjustment at a review every two years, or more frequently based on changes in the circumstances of the adopted parents and the needs of the child being adopted. However, while payments may be increased based on changes in the level of care the child needs, payments will not

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

be decreased based on changes in the level of care. In no event shall the monthly adoption assistance payment be greater than the applicable licensed foster family care payment level **as-adjusted in accordance with Appendix-B.**

b) For purposes of this Section, a child shall not be considered a child with special needs unless the Department has first determined that:

1) the child cannot or should not be returned to the home of his or her parents, as determined by:

A) a judicial adjudication that the child is abused, neglected or dependent or other judicial determination that there is probable cause to believe that a child is abused, neglected or dependent; and

B) a determination by the Department that the child is likely to suffer further abuse or neglect or will not be adequately cared for if returned to the parent(s); and

2) the child meets one of the following criteria:

A) has an irreversible or non-correctable physical, mental or emotional disability; or

B) has a physical, mental or emotional disability correctable through surgery, treatment, or other specialized services; or

C) is three years of age or older; or

D) is a member of a sibling group being adopted together where at least one child meets one of the criteria in subsection (b)(2)(A) through (C) above; or

E) is a child being adopted by adoptive parents who have previously adopted, with adoption assistance, another ~~child~~ **child(ren)** born of the same mother or father; and

3) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search is against the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their foster care.

c) Adoption assistance as a one-time only payment for non-recurring adoption expenses shall be provided to parents adopting a child who is determined by the Department to have special needs as provided in subsection (b) of this Section. This includes expenses incurred by or on behalf of such parents, in connection with the adoption of a special needs child, either directly or through another public or private agency. These expenses include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

and that are not incurred in violation of State or Federal law. The amount of payments to be made in any specific case shall be determined by the needs of the child being adopted and the availability of pro bono services, and shall not exceed \$1500 per adoptive child. The adoptive parents may refuse any or all payments available under this subsection (c) of this Section.

d) Adoption assistance for ongoing monthly payments and medical assistance may be provided to parents adopting a child who:

1) is determined by the Department to have special needs as provided in subsection (b) of this Section; and

2) meets one of the following conditions:

A) was eligible at the time the adoption petition was filed for Aid to Families with Dependent Children (AFDC) under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 June-17-1995; or

B) was eligible for foster care maintenance payments under Title IV-E of the Social Security Act at the time the adoption petition was filed; or

C) was eligible for Supplemental Security Income (SSI) prior to finalization of the adoption; or

D) is a child for whom the Department of Children and Family Services was legally responsible when the adoption petition was filed; and

3) in all cases, other than a child determined to have special needs under subsection (b)(2) of this Section because of a documented physical, mental, or emotional disability, the child has been in the care of the Department or another agency or person other than his or her parents pursuant to an order of the court for at least one year prior to the adoption unless the child is being adopted after October 1, 1997 and is a child who had previously been adopted with adoption assistance, but the adoption was dissolved and the parental rights of the adoptive parents were terminated, or the adoptive parents died. However, the one year placement requirement is not applicable for sibling groups where at least one sibling is determined to be special needs because of a documented physical, mental, or emotional disability and meets all requirements for adoption assistance.

e) The Department shall make an initial determination ~~determine~~ whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted as adjusted for any benefits the child will be receiving, such as Social Security, ~~SSI~~, Veterans' benefits, railroad retirement or black lung benefits, ~~financial settlements~~, ~~payments~~, ~~inheritance or gifts~~. Supplemental Security benefits (SSI) are not to be considered in the determination of the ongoing monthly payment. If a child is receiving SSI, the receipt of adoption assistance is taken into consideration by the Social Security Administration when

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

calculating the amount of the SSI benefit.

- f) In cases where the determination under subsection (b)(2) of this Section is based on a diagnosis that the child may eventually require care for a documented medical condition or disability related to pre-existing physical, mental, or emotional conditions or risk factors that do not yet require treatment at the time of the adoption, no such payments shall be made at that time. The adoption assistance agreement may provide that such payments be initiated when the child's pre-existing condition or identified risk factors warrant treatment or professional intervention. If such payments are commenced, the ongoing monthly payment shall in no event exceed the amount the child would receive if the child was in foster care at the time the payments are initiated ~~as adjusted in accordance with Appendix-B-of-this-Part.~~
- g) The adoption assistance agreement providing for ongoing monthly payments and medical assistance shall include an agreement with the adoptive parents that the amount of any ongoing monthly payments ~~calculated in accordance with Appendix-B-of-this-Part shall be reviewed at least every two years and may be readjusted every two years or more frequently, based on changes in the circumstances of the adoptive parents and the needs of the child being adopted.~~ However, while payments may be increased based on changes in the level of care the child needs, payment will not be decreased based on changes in the level of care. If the adoptive parents or the adopted child disagree with the Department's determination, they may appeal the determination in accordance with 89 Ill. Adm. Code 337.7 (Service Appeal Process). Adoptive parents may refuse any or all payments offered by the Department.

- h) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance and the types of adoption assistance and, in the case of ongoing monthly adoption assistance payments, that such payments are subject to review at least every two years and may be terminated or readjusted based on subsections (i) and (j). ~~as set forth in Appendix-B.~~ In order to receive adoption assistance, the child must be placed in the adoptive home and the adoption assistance agreement signed prior to finalization of the adoption.

- i) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the adoptive parents reside currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move to another state while the agreement is in effect. The duration of adoption assistance may extend until age 18 years, or until age 19 years if the child is still in high school, although adoption assistance may be provided at the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department's option until the child's 21st birthday if the child has a physical, mental or emotional disability that warrants the continuation of assistance. The adoptive parents or the adoptive child may appeal the Department's decision to discontinue adoption assistance at age 18 or 19 for a child still in high school.

- j) The adoptive parent~~s~~ shall notify the Department as soon as practically possible in writing of a change in address or when the following changes occur which will affect the amount of adoption assistance:

- 1) the child is no longer the legal responsibility of the adoptive parent~~s~~;
- 2) the child is no longer receiving financial support from the adoptive parent~~s~~;
- 3) the child's condition has changed to the extent that, if the child were in foster care, an increase in the child's level of care would be required ~~the--special-needs-for-which-adoption-assistance--for--the--special-needs-for-which-adoption-assistance--was-being-provided; or~~
- 4) ~~the-child-becomes-eligible-for-any-benefit-payments--that--would-affect--the--monthly-payment--such-as-Social-Security-benefits-Supplemental-Security-Income-(SSI)-benefits-Veteran-s-benefits-railroad-retirement--or--black-lung-benefits--financial-settlements-payments-inheritance-or-gifts--or~~ a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments. Such circumstances pertain to the parents' ability to incorporate the child into their household in relation to their standard of living, future plans and overall capacity to meet the immediate and future needs of the child.
- k) If an adoption is dissolved because of the termination of the parental rights of the adoptive parents or the death of the adoptive parents, a child adopted with adoption assistance continues to be eligible for such assistance if he or she is adopted again on or after October 1, 1997.

(Source: Amended at 22 Ill. Reg. 21314, effective DEC 1 1998)

Section 302.405 Subsidized Guardianship Program

- a) Description. Subsidized guardianship is a program for which the Department has received waivers from the federal Department of Health and Human Services under Section 1130 of the Social Security Act to operate a child welfare demonstration project. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out as evidenced by an assessment documented in the service plan. The types of assistance that may be provided include:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) payments of one-time court costs and legal fees, if required, in connection with the establishment of guardianship, up to a maximum of \$500;
 - 2) payments for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a medical condition~~st~~, whose onset has been established as occurring prior to the transfer of guardianship~~r~~. Such payments include medical benefits as provided under Title XIX of the Social Security Act (Medicaid) and include services such as physician and clinic fees, hospitalization costs, and prescriptions; and
 - 3) ongoing monthly payments in an amount determined in each case by the Department in accordance with subsection (e) below.
- b) Subsidized guardianship is Appropriate
- Subsidized guardianship is a program available for only those children who meet the following criteria.

- 1) The child must have been in the legal custody of the State for two years or more immediately prior to establishing subsidized guardianship.
- 2) The child must have resided with the prospective private guardian (relative caregiver or non-relative licensed foster care provider) for at least one year immediately prior to establishing the subsidized guardianship. However, the one year placement requirement is not applicable for sibling groups when at least one sibling meets all other subsidized guardianship requirements.
- 3) A child living in the home of a non-relative must be at least 17 years of age. However, the age criteria is not applicable for sibling groups when at least one sibling meets all subsidized guardianship criteria. However, if a child younger than 12 years of age is living in the home of a non-relative and has no older sibling for whom subsidized guardianship is being considered, the caseworker must determine that subsidized guardianship is in the child's best interests due to the length of time the child has been in the home, the age of the child, characteristics, limitations, and responsibilities including health and mobility of the caretakers or the special needs of the child. The basis for the best interest decision must be documented, and must be approved by the Department Guardianship Administrator.
- 4) The child must have a strong attachment to the potential guardian and the guardian must have a strong commitment to the child.
- 5) Reunification efforts of the child with his or her family must have been ruled out despite reasonable efforts having been made to reunite the child with his or her parents as documented in the case record.
- 6) Adoption must have been ruled out as a permanency goal for the child.
- 7) The parents may consent to the subsidized guardianship arrangement or the Department may proceed, for good cause, to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

seek a private guardian without parental consent provided that notice is given of the guardianship petition hearing in accordance with Section 11-10.1(a) of the Probate Act (755 ILCS 5/11-10.1(a)).

- 8) A child 14 years of age or older must consent to the initiation of the subsidized guardianship living arrangement.
- 9) The prospective guardian must have no record of any felony convictions.

c) Responsibilities of the Private Subsidized Guardian

- 1) Private guardians are responsible for ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court.
- 2) Private guardians shall notify the Department as soon as practically possible in writing when the following changes occur which may affect the amount of the subsidy:
 - A) the child is no longer the legal responsibility of the subsidized guardian;
 - B) the child is no longer receiving financial support from the subsidized guardian;
 - C) ~~the child becomes eligible for any benefit payments that would affect the monthly payment, such as Social Security benefits, Supplemental Security Income (SSI), beneficiary veterans benefits, railroad retirement or black-veteran benefits, financial settlements, payments, inheritance or gifts.~~

C)B a change has occurred in the circumstances of the family that is relevant in determining the amount of assistance payments; or

D)E there is a change of address.

d) Responsibilities of Department

- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making that determination the Department shall, through an assessment, consider all relevant factors including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian;
 - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship of the child with the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school, and community;
 - E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is a safe and suitable placement by means of a safety check which shall include a CANTS and LEADS check.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301.7 (Placement and Visitation Services), when making placements under the subsidized guardianship program.
 - 4) The Department will offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment for one time only court costs and legal fees, if required.
 - 5) The Department shall provide children in the subsidized guardianship program with a full range of services under the Medicaid program which includes health care services and mental health care services.
 - 6) The Department shall ensure that an orientation is provided to the family of the subsidized guardian to assure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
 - 7) The Department shall ensure that each prospective guardian has access to a caseworker who will respond to requests for information and assistance.
 - 8) The Department shall ensure that all guardians are provided access to fair hearings under 89 Ill. Adm. Code 337.7 (Service Appeal Process).
 - 9) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for him or her to the extent the child's health or well-being is endangered.
 - 10) The Department shall provide financial assistance for these children in accordance with Section 302.405(e)7 (Subsidy for Subsidized Guardianship).
- e) Subsidy for the Subsidized Guardianship Program
- 1) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(e) of this Part. ~~on-an-individual-basis-in-accordance with-the-formula-described-in-Appendix-B-of-this-Part.~~
 - 2) The subsidized guardianship agreement providing for ongoing monthly payments shall include an agreement with the subsidized guardian that the amount of any ongoing monthly payments ~~calculated-in-accordance-with-Appendix-B-of-this-Part~~ shall be reviewed at least every two years or more frequently and may be readjusted annually or more frequently ~~using-the-formula-in Appendix-B.~~ The amounts of ongoing subsidized guardianship

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department.
- 3) A relative caregiver or licensed foster parent with a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship, the types of assistance available, the amount of payment, and, in the case of ongoing monthly subsidized guardianship payments, that such payments are subject to review at least every two years or more frequently and may be readjusted as set forth in subsection (e)(2) above. In order to receive a subsidized guardianship payment, the subsidized guardianship agreement must be signed prior to finalization of the transfer to private guardianship.
 - 4) The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the finalization of the transfer to private guardianship, and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases where the subsidized guardian and child move to another state while the agreement is in effect. The duration of subsidized guardianship shall continue without further involvement by the court until termination when the child marries or dies, is emancipated, or reaches the age of 18 or 21 as specified in the agreement. The guardianship will also terminate upon the death, incapacity, resignation, or removal of the guardian.
 - 5) While guardianship is terminated under the Probate Act when a child reaches age 18, financial assistance may be provided through age 19 for a child still in high school or until age 21 for children with certain mental or physical handicapping conditions only.
 - f) Demonstration and Cost Neutrality Groups
Although participation in the subsidized guardianship program is Statewide, for purposes of meeting the cost neutrality, federal funding, and evaluation requirements of the federal waiver demonstrations, clients will be randomly assigned in three geographical areas of the State to a demonstration group or a cost neutrality group. The demonstration group will be subject to the waiver provisions of the demonstration, and the cost neutrality group will be subject to the regular treatment services according to the Department's rules and procedures. The three areas are:
1) the Cook Central Region.

NOTICE OF ADOPTED AMENDMENTS

- 2) the East St. Louis sub-region serving the following counties:
A) Madison;
B) St. Clair;
C) Bond;
D) Clinton;
E) Washington;
F) Monroe; and
G) Randolph.
- 3) the Peoria sub-region serving the following counties:
A) Fulton;
B) Henderson;
C) Knox;
D) Warren;
E) Henry;
F) LaSalle;
G) McDonough;
H) Mercer;
I) Rock Island;
J) Tazewell;
K) Woodford;
L) Peoria;
M) Bureau;
N) Marshall;
O) Putnam; and
P) Stark.

(Source: Amended at 22 Ill. Reg. 21314, effective DEC 1 1998)

NOTICE OF ADOPTED AMENDMENTS

Section 302.APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

- a) The monthly adoption assistance subsidy shall not be greater than the applicable licensed foster family care payment level. The maximum amount of the monthly adoption assistance subsidy will increase whenever the child reaches ages one, five, nine, and 12 (except for specialized rates), and whenever a cost of living increase in the foster care rates is granted.
- b) The monthly adoption assistance subsidy shall be reduced based on a graduated income scale starting with the adoptive parents' annual taxable income of \$75,000 (after all deductions have been made on their Federal income tax return and after the verified costs associated with any post-secondary education or training have been deducted) in accordance with the chart below.

Taxable Family Income	Percentage of Full Adoption Subsidy Rate
Up to \$74,999	100%
\$75,000 -- 79,999	95%
\$80,000 -- 84,999	90%
\$85,000 -- 89,999	85%
\$90,000 -- 94,999	80%
\$95,000 -- 99,999	75%
\$100,000 -- 104,999	70%
\$105,000 -- 109,999	65%
\$110,000 -- 114,999	60%
\$115,000 -- 119,999	55%
over \$120,000	50%

If adoptive parents fail or refuse to submit documentation of their income, the amount of the adoption assistance will be reduced to 50 percent of the adoption subsidy rate.

- c) The monthly adoption assistance subsidy will be reduced by the amount of benefits paid on behalf of the child, such as SSI, SSI for Veterans, Railroad Retirement, Black Lung, or when other income is received for the child.

(Source: Repealed at 22 Ill. Reg. 21314, effective DEC 1 1998)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
100.7 Amend
- 4) Statutory Authority: Section 9 of the Fire Investigation Act [425 ILCS 25/9]
- 5) Effective date of the rules: December 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: September 4, 1998 (22 Ill. Reg. 15862)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: At Section 100.7(e)(5)(H) the title was modified from "Permanently Moored Vessels" to "Inspection and Examination of Permanently Moored Vessels" at second notice.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes (No changes were indicated)
- 13) Will this amendment replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and purpose of the amendments: By this Notice of Proposed Amendments, the Office is updating Part 100 to include specific requirements relative to procedures, as well as licensure and certification of personnel used to conduct structural examinations of permanently moored vessels required specifically by Section 100.7(e)(5)(H).

Original rules pertaining to safety of permanently moored vessels were promulgated by the Office of the State Fire Marshal in 1997. Section 100.7(e)(5)(H) of those rules required that permanently moored vessels undergo dry-dock and internal structural examinations, or present evidence

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard. The U.S. Coast Guard has informed the Office of the State Fire Marshal that as the result of a Coast Guard policy decision, alternative methods to dry-docking are now acceptable for vessel hull inspection, including in-the-water examination methods.

Limiting hull examinations to dry-docking methods only would require larger permanently moored vessels to relocate to facilities capable of conducting such dry-dock examinations. For all permanently moored vessels this would necessarily mean relocating the vessel from its permanently moored location to a dry-dock facility. For larger permanently moored vessels, relocating to an adequately sized dry-docking facility would mean delivery of the vessel to New Orleans, Louisiana.

Therefore, to ensure the reliability of inspection/examination results required by 41 Ill. Adm. Code 100.7(e)(5)(H), the Office of the State Fire Marshal is now proposing to codify acceptable methods and levels of licensure and certifications for personnel that perform structural and hull examinations of permanently moored vessels, including alternative methods to dry-docking.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

The full text of the Adopted Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
 CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 100
 FIRE PREVENTION AND SAFETY

- Section 100.1 Introduction
- Section 100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
- Section 100.4 Building Construction Types
- Section 100.5 Fire Areas
- Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference
- Section 100.110 Modification of NFPA 101 (1985) for Existing Day Care Facilities and Programs

APPENDIX A Modification of Standards Referenced in NFPA 101

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 1 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 11 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. 8932, effective July 15, 1997; amended at 22 Ill. Reg. ~~21330~~, effective DEC 15 1998.

Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference

- a) For the purposes of subsections (b) and (c) of this Section:
 - 1) "New facility" shall mean either a facility constructed after November 1, 1993, or any facility the occupancy (use) classification of which changes after November 1, 1993. Any alterations or installations of new equipment, either regulated by these rules or outlined in the Life Safety Code, shall be accomplished as nearly as practicable in conformance with the requirements for new construction.
 - 2) "Existing facilities" are those not classified as "new facilities" by subsection (a)(1) of this Section.
- b) Applicable to existing facilities, as defined in subsection (a) of

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

this Section, the Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 1985 edition, Life Safety Code. This incorporation does not include any later amendments or editions.

- c) Applicable to any new facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the following provisions of the "Code for Safety to Life from Fire in Buildings and Structures" as published by National Fire Protection Association (NFPA 101) 1991 edition, Life Safety Code to the extent those provisions do not conflict with the provisions of this Part. This incorporation does not include any later amendments or editions.

- Chapter 1. Administration
- Chapter 2. Fundamental Requirements
- Chapter 3. Definitions
- Chapter 4. Classification of Occupancy and Hazard of Contents
- Chapter 5. Means of Egress
- Chapter 6. Features of Fire Protection
- Chapter 7. Building Service and Fire Protection Equipment
- Chapter 8. New Assembly Occupancies
- Chapter 10. New Educational Occupancies
- Chapter 12. New Health Care Occupancies
- Chapter 14. New Detention and Correctional Occupancies
- Chapter 16. New Hotels and Dormitories
- Chapter 18. New Apartment Buildings
- Chapter 20. Lodging or Rooming Houses
- Chapter 22. New Residential Board and Care Occupancies
- Chapter 24. New Mercantile Occupancies
- Chapter 26. New Business Occupancies
- Chapter 28. Industrial Occupancies
- Chapter 29. Storage Occupancies
- Chapter 30. Special Structures and High-Rise Buildings
- Chapter 31. Operating Features
- Chapter 32. Referenced Publications

- d) The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (1985 and 1991 Editions) is on file with the Office of the State Fire Marshal at the following locations:

- 1035 Stevenson Drive
 Springfield, Illinois 62703-4259
- State of Illinois Building
 100 W. Randolph Street
 Chicago, Illinois 60601
- 2209 West Main Street
 Marion, Illinois 62959

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Copies are available for purchase from:

National Fire Protection Association
Batterymarch Park
Quincy MA 02269

e) Modifications to the Life Safety Code

- 1) Child Care Facilities
 - A) Day Care Centers. Those facilities regulated under Chapter 10-7 (Day-Care Centers) of the Life Safety Code shall include only:

- i) any facility licensed as a Day Care Center by the Department of Children and Family Services;
- ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;
- iii) part day child care facilities, as defined in the Child Care Act of 1969.

- B) Day Care Homes. Those facilities regulated under Chapter 10-9 (Family Day-Care Homes) of the Life Safety Code shall include only:

- i) any facility licensed as a day care home by the Department of Children and Family Services;
- ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection (e)(1)(B) does not affect facilities that receive only children from a single household.

- C) Group Day Care Homes. Those facilities regulated under Chapter 10-8 (Group Day-Care Homes) of the Life Safety Code shall include only:

- i) any facility licensed as a group day care home by the Department of Children and Family Services; or
- ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

- D) For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.

2) Child-to-Staff Ratios

Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

inapplicable.

- 3) One- and Two-Family Dwellings

Chapter 21 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.

- 4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:

A) Primary Means of Egress

- i) If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour, or
- ii) The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes - 1994 edition.

B) Secondary Means of Egress

If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.

5) Permanently Moored Vessels

- A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code, the fire safety standards

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

- B) A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.

- C) The intact stability characteristics for each vessel must comply with the following criteria:

- i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.
- ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.
- iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.

- D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.

- E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.

- F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.

- G) Additional, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

- i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;
- ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;
- iii) Inspection and report on the condition of the hull and watertight bulkheads;
- iv) Inspection and report on the condition of water tight

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- v) doors and water tight bulkhead penetration; and Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.

H)

Inspection and Examination of Permanently Moored Vessels

- i) Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with 46 CFR 171.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.

ii)

Inspection of permanently moored vessels having steel or aluminum hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist).

iii)

All structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction of a registered professional engineer. Expertise of the engineer, or engineering team, shall include non-destructive testing methods and procedures, material engineering and naval architecture, material engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.

iv)

The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.

- v) The inspection results must be maintained in a format that will allow for examination by the Office of the State Fire Marshal's representatives, including comparison of results from the previous inspections.

Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

standards found in the American Welding Society's "Specifications for Underwater Welding".

vii) The Office of the State Fire Marshal may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.

viii) All work shall be governed by and construed according to Illinois law effective on the execution date.

I) Written documentation of compliance with the requirements of subsections (e)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.

J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:

i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;

ii) At all times occupied by more than 50 fifty occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties; and

iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel.

(Source: Amended 22 Ill. Reg. 21330 effective DEC 15 1998)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
170.110	Amendment
170.422	Amendment
170.426	Amendment
170.542	Amendment
170.545	Amendment

4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]

5) Effective Date of Amendments: December 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the Adopted Amendment is on file and available for public inspection at the Office of the State Fire Marshal's principle office in Springfield, Illinois, at the address below.

9) Notice of Proposal published in the Illinois Register: 22 Ill. Reg. 8639, May 22, 1998

10) Has JCAR issued a statement of Objection to these rules? No

11) Differences between proposal and final version: The set back requirement between underground storage tanks and a basement was changed to 20 feet. The requirement that the piping be level between manifolded tanks was changed to 1/4 inch per foot.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this Amendment replace an Emergency Amendment currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Amendment: The amendment allows underground storage tanks on property with a basement provided that the tanks are no closer than 20 feet. It also allows manifolded tanks to remain provided that certain conditions are met.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Mel Smith, Division Manager
 Division of Petroleum and Chemical Safety
 Office of the State Fire Marshal
 1035 Stevenson Dr.
 Springfield, IL 62703-4259
 (217) 785-1020

The full text of the Adopted Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
 CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF
 PETROLEUM AND OTHER
 REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section

170.10	Definitions	
170.11	Incorporation of National Standards	
170.15	Bulk Sales Prohibited	
170.20	Storage Underground and Limited (Repealed)	
170.30	Setting of Tanks (Repealed)	
170.40	Clearance Required for Underground Tanks (Repealed)	
170.41	Location (Repealed)	
170.50	Material and Construction of Tanks (Repealed)	
170.60	Venting of Tanks (Repealed)	
170.65	Underground Tank Installations (Repealed)	
170.70	Fill Pipes (Repealed)	
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)	
170.72	Late Registration Fee (Repealed)	
170.75	Abandonment of Underground Storage Tanks (Renumbered)	
170.76	Leaking Underground Tanks (Repealed)	
170.80	Unloading Operations	
170.90	Pumps (Repealed)	
170.91	Labeling of Containers and Pumps	
170.100	Piping (Repealed)	
170.105	Approval of Plans (Repealed)	
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)	
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)	
170.108	Pressure Testing (Repealed)	
170.110	Building	
170.115	Safe Heat Required	
170.120	No Flammable or Combustible Liquids Within Building - Exception	
170.130	Greasing Pits	
170.140	Wash and Greasing Rooms	
170.145	Fire Extinguishers	
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations	
170.160	Care and Attendance	
170.170	Fire Extinguishers (Repealed)	
170.180	Sale of Fireworks	

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.190 Approval of Plans (Repealed)
 170.200 Defective Equipment
 170.210 Deliveries from Portable Tanks Restricted
 170.310 Unattended Self-Service Other Than Fleet Operations

SUBPART B: UNDERGROUND STORAGE TANKS---TECHNICAL REQUIREMENTS

Section
 170.400 Definitions
 170.410 Incorporations by Reference
 170.411 USTs Out of Operation One Year
 170.412 Delegation of Authority to Enforce UST Rules and Regulations
 170.420 Design, Construction, Installation and Notification of New UST Systems
 170.421 Piping
 170.422 Clearance Required for Underground Storage Tanks
 170.423 Pressure Testing
 170.424 Venting of Tanks
 170.425 Fill Pipes
 170.426 Pumps
 170.427 Defective or Non-Compliant Equipment
 170.428 General Requirements for UST Fuel Dispensing Systems
 170.430 Upgrading of Existing UST Systems
 170.431 Limitation on Interior Lining of USTs
 170.440 Notification Requirements for Purposes of UST Registration
 170.441 Payment of 1988 Annual UST Fee
 170.442 UST Registration Fees
 170.450 Spill and Overfill Release Control
 170.460 Operation and Maintenance of Corrosion Protection
 170.470 UST Compatibility with Product Stored
 170.480 Repairs Allowed
 170.481 Emergency Repairs
 170.490 Reporting and Recordkeeping
 170.500 General Release Detection Requirements for All UST Systems
 170.510 Release Detection Requirements for Petroleum UST Systems
 170.520 Release Detection Requirements for Hazardous Substance UST Systems
 170.530 Methods of Release Detection for Tanks
 170.540 Methods of Release Detection for Piping
 170.541 Installer, Repairer, Reliner or Remover of USTs and Obtaining Permits
 170.542 Site Plans
 170.543 Notification and Establishment of a Date Certain for Underground Storage Tank Activity
 170.544 Tester of Underground Storage Tanks and Cathodic Protection
 170.545 USTs Inside or Under Buildings
 170.546 UST Restrictions at Service Stations
 170.550 Release Detection Recordkeeping
 170.560 Reporting of Suspected Releases
 170.570 Investigation Due to Off-Site Impacts

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

170.580 Release Investigation and Confirmation Steps
 170.590 Reporting and Cleanup of Spills and Overfills
 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances
 170.610 Initial Abatement Measures and Site Assessment
 170.620 Temporary Out-of-Service Status for UST Systems
 170.630 Change-in-Service of UST Systems
 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
 170.650 Applicability to Previously Removed UST Systems
 170.660 Removal or Change-in-Service Records
 170.670 Removal or Abandonment-in-Place of Underground Storage Tanks
 170.672 Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS---FINANCIAL RESPONSIBILITY REQUIREMENTS

Section
 170.700 Definitions
 170.705 Incorporation by Reference
 170.710 Applicability
 170.720 Amount
 170.730 Mechanisms of Financial Responsibility
 170.740 Proof of Financial Responsibility
 170.750 Substitution of Financial Responsibility Mechanisms by an Owner or Operator
 170.760 Cancellation or Non-Renewal by a Provider of Financial Assurance
 170.770 Reporting by Owner or Operator
 170.780 Recordkeeping
 170.790 Release from the Requirements
 170.795 Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS---ADMINISTRATIVE
 PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND
 CHEMICAL SAFETY

Section
 170.800 Definitions
 170.810 Grounds and Time for Appeal
 170.820 Notice of Hearing
 170.830 Appearances
 170.840 Official Notice
 170.850 Authority of Hearing Officer
 170.860 Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST) (Repealed)
 170.870 Briefs
 170.880 Transcripts
 170.890 Order of the State Fire Marshal

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 170.900 Authority to Enforce Administrative Orders and Assess Fines
 170.910 Suspension or Revocation of the License of a Contractor and Assessment of Fines Against a Contractor or Employee of a Contractor for Violations of Subpart B or E
 170.920 Assessment of Fines Against Non-Contractors for Violations of Subpart B
 170.930 Assessment of Fines Against an Owner, Operator or Provider for Violations of Subpart C
 170.940 Hearing Officer Guidelines for Suspension, Revocation or Assessment of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

- Section
 170.1000 Definitions
 170.1100 Contractor Licensing
 170.1200 Contractor and Employee Certification
 170.1300 Possession of OSHA Identification Cards by Certified Individual Contractors and Certified Employees of Contractors
 APPENDIX A Checklist for Underground Storage Tank Installation
 APPENDIX B Checklist for Underground Storage Tank Reline
 APPENDIX C Checklist for Underground Storage Tank Removal
 APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks
 APPENDIX E Guidelines for Marinas

TABLE A Schedule for Phase-in of Release Detection

TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; emergency expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 11 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990;

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 20 Ill. Reg. 4698, effective March 11, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective DEC 1 1998.

SUBPART A: MISCELLANEOUS

Section 170.110 Building

No furnaces or heaters shall be located in existing service station basements.

(Source: Amended DEC 1 1998 22 Ill. Reg. 21339, effective DEC 1 1998)

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section 170.422 Clearance Required for Underground Storage Tanks

- a) Distance to basements, etc. Individual tanks shall be buried so that the tops of the tanks shall be lower than all floors, basements, cellars or pits of buildings within twenty feet, on or off the property, or tanks shall maintain a clearance of twenty feet to all buildings with basements.
 1) Dispensing USTs shall be 20 or more feet from any basement, cellar, pit or below-grade excavation on or off the property.
 2) USTs not used for dispensing may be located under a building or not less than 5 feet from a building.
 b) Distance to sewers, etc. Individual tanks and piping shall be buried so that the tops of the tanks and piping shall be lower than the bottom level of all sewers, manholes, catch-basins, cesspools, septic tanks, wells or cisterns within twenty feet, on or off the property, or tanks and piping shall maintain a full clearance of twenty feet. The term "sewer" includes sanitary and storm sewer lines out of service station buildings, provided, however, that these clearances shall not be required when a sewer line out of a service station is constructed throughout of cast iron with lead joints.
 c) Distance to property lines. Individual tanks shall be at least twenty feet to property lines, provided, however, that these clearances on the side adjacent to a public street, alley or highway are waived by consent of the authority having immediate jurisdiction over the public street, alley or highway, provided that the required sewer clearances will be maintained.
 d) Distance to special classes of property. Tanks and pumps shall maintain a clearance of not less than 300 feet to any mine shaft, air or escape shaft for any mine and 85 feet to any school, institutional,

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

public assembly or theater occupancy, as defined in NFPA 101, incorporated by reference in Section 170.10. The distance shall be measured from the nearest points of tanks and pumps to the nearest points of buildings or shafts.

e) Where the site size makes compliance with these clearance requirements an impossibility or an imposition, as determined by the Office of the State Fire Marshal during a permit review, a double-wall tank or piping system or both with interstitial monitoring, shall be used and is subject to approval by the Office. Interstitial piping monitoring requirements will be waived for European Suction Piping Systems. Hazardous substance UST systems shall be double-wall, and all such existing systems shall be upgraded to double-wall by December 22, 1998.

f) Tanks in service on October 1, 1985 may maintain existing underground tank clearances. Existing service stations' basements less than 20 feet from a UST system shall be provided with mechanical ventilation, and only non-sparking explosion proof motors and compressors shall be permitted in such basements. ~~7-provided-they-are-in-conformity-with~~ ~~rates-in-effect-on-January-17-1984~~ New setback distances will be required when upgrading these existing systems, if existing tanks are removed or if new tanks or islands are installed.

(Source: Amended at 22 Ill. Reg. 21339, effective

~~DEC 1 1998~~)

Section 170.426 Pumps

a) Petroleum and hazardous substances shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge except that siphon bars meeting the requirements below shall be allowed between tanks. ~~The installation of siphon bars is prohibited.~~ Existing siphon bars shall meet the requirements in subsection (a)(2) below or be removed from the UST system by December 22, 1998 or when the system is upgraded, whichever occurs first, in the event the system has been upgraded prior to April 17, 1995, the siphon bars shall be removed by December 22, 1998. Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other dangerous condition.

1) Dispensing devices for petroleum and applicable hazardous substances shall meet the requirements of UL 842, incorporated by reference in Section 170.410. Liquid shall be withdrawn from tanks by means of pumps in conformity with Chapter 5 of NFPA 70, incorporated by reference in Section 170.410, and equipped with static wire hose and non-ferrous discharge nozzle, except that used oil tanks are not subject to the requirement of transfer by means of fixed pumps.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

2) Siphon bars between tanks that are used to transfer petroleum and hazardous substances between tanks by means of gravity or negative atmospheric pressure shall be permitted subject to the following requirements:

- A) The height of the tops of the tanks shall be within 6 inches.
 - B) Piping shall meet the requirements of Section 170.421.
 - C) Release detection methods for tanks and piping shall be of a type approved for tanks connected by siphon bars in accordance with Section 170.530(j), and
 - D) Siphon bars piping shall be at the top of the tanks with a slope not to exceed one-quarter (1/4) inch per foot.
- b) No pump or dispensing device shall be located within a building. This does not include pump houses designed to house transfer pumps only; also, this does not include pump houses designed to house transfer pumps at refineries used in conjunction with pipeline product transfers or any refinery processing. Transfer pumps located at industrial or commercial facilities are excluded from the requirements of this Section. Dispensers located at industrial or commercial facilities that contain a regulated substance shall be approved by the Office of the State Fire Marshal.

1) Existing pumps and dispensing devices within garages, as of October 1, 1985, are permitted provided the dispensing area is:

- A) Not below-grade;
 - B) Separated from motor vehicle repair areas, pits and basements;
 - C) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means;
 - D) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control;
 - E) provided with an approved mechanical or gravity ventilation system; and
 - F) provided with a clearly identified switch, readily accessible in case of fire or physical damage to any dispensing units to shut off the power to dispensing units.
- 2) Existing dispensing units located below-grade, as of October 1, 1985, shall have independent mechanical ventilation systems and the entire dispensing area shall be protected by an automatic sprinkler system conforming to the requirements of 41 Ill. Adm. Code 100.220.
- A) The ventilation systems shall be electrically interlocked with the gasoline dispensing units, so that the dispensing units cannot be operated unless the ventilation fan motors are energized and operating.
- B) Existing dispensing units located below-grade within buildings shall also comply with subsection (b)(1) above, as applicable.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- c) Curb pumps or pumps located in any portion of a public street are prohibited.
- d) Wiring of electric pumps and all electrical equipment in connection therewith shall conform to Chapter 5 of NFPA 70, incorporated by reference in Section 170.410 (product piping and electrical wiring shall be as directed in Section 170.421(e)).
- e) Devices which discharge by gravity are prohibited and were to have been removed by January 1, 1986. Gravity devices at service stations which are retained for their novelty or historical interest may be retained at the facility but shall be rendered non-functional.
- f) Systems which employ continuous air pressure on storage tanks in connection with gauging or vending devices are prohibited, with the exception of those systems utilized in Stage II Vapor Recovery.
- g) The use of aboveground storage tanks in connection with gauging or vending devices is prohibited, as clarified elsewhere in this Section. Retail sale from aboveground tanks is prohibited except as allowed in 41 Ill. Adm. Code 180.
- h) New installations of apparatus for dispensing petroleum into fuel tanks of vehicles shall not be connected to either aboveground or underground bulk storage tanks. This does not include cargo tanks mounted on tanker trucks for transporting purposes.
- i) Dispensing devices at an automotive service station shall be so located that all parts of the vehicle being served will be on the premises of the service station. For dispensing devices located inside buildings, openings beneath dispenser enclosures shall be sealed to prevent the flow of leaking fuel to lower building spaces. Pump houses designed to house transfer pumps only are not considered buildings, as per this Section.
- j) Dispensing devices at marine service stations may be located on open piers, wharves, floating docks, on shore or on piers of the solid-fill type and shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Openings beneath marina dispensing enclosures shall be sealed to prevent the flow of leaking fuel into the water beneath them. Marina installations shall follow guidelines located in Appendix E of this Part, as established by the Office of the State Fire Marshal. Spill containment shall be provided on docks adjacent to dispensers to contain spills that may occur during the filling of approved portable containers.
- k) Dispensing units existing prior to September 15, 1978, may be located inside buildings if specific written approval of the Office of the State Fire Marshal was granted by October 1, 1985, and proof of such was submitted by the applicant and verified by the Office. The dispensing area shall be separated from other areas by two-hour fire resistive construction, as defined in Section 707 of the BOCA National Building Code, incorporated by reference in Section 170.410. The dispensing area shall be provided with a mechanical or gravity ventilation system; all components of which shall comply with the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Requirements of NFPA 70, incorporated by reference in Section 170.410. Kerosene dispensers shall not be located on the same island with petroleum or hazardous substances. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65].
- m) Hoses at service stations shall not exceed 18 feet in length, as required in NFPA 30A 4-2.6, referenced in Section 170.410, except as permitted in subsection (n) below.
- n) Mechanical retractable hose reels are required on dispenser hoses in excess of 18 feet in length. Hose length on mechanical retractors shall not exceed 50 feet and may only be installed with written approval of the Office of the State Fire Marshal.
- o) Dispenser pumps shall be located outside of buildings and not less than five feet from any building or less than five feet measured vertically and horizontally from any window or other building opening, such as a basement, cellar, pit, ventilated soffit or any air intake or exhaust of any building, and in a location that will not permit pocketing of vapor or liquid. The Office of the State Fire Marshal shall approve dispenser locations only where in its judgment a safety hazard does not exist. Location of new dispenser pumps shall be in accordance with the following:

- 1) Not below-grade;
- 2) Separated from motor vehicle repair areas, pits and basements;
- 3) Protected against physical damage from vehicles by mounting the dispensing unit on a concrete island or by equivalent means; and
- 4) Located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control.

(Source: Amended at 22 Ill. Reg. 21339, effective DEC 1 1988)

Section 170.542 Site Plans

- a) Site plans made to scale shall be submitted in triplicate, by the contractor listed on the permit application, to the Office of the State Fire Marshal and are subject to approval by the Office before any new construction, addition or remodeling which alters building size, dispenser locations or locations or sizes of vehicle service area or storage tanks. Removals, relines and upgrades, which involve replacing equipment with that of identical manufacture and model, do not require the submission of site plans; however, permits are required in accordance with Section 170.541. Site plans shall be legible and sizes shall be 8 1/2" x 11", 8 1/2" x 14" or 11" x 17" only; blueprints are not acceptable as site plans. Separate permit application forms are provided for installation, removal, upgrade or repair, relining or abandonment-in-place. Drawings shall carry the name of the contractor proposing the installation, the location with reference to city, village or town, and shall show the following:
- 1) The plot to be utilized and its immediate surroundings on all

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

sides. All property lines are to be designated and adjacent streets and highways shall be named.

- 2) The complete installation as proposed, including tanks and their capacities, class of liquids to be stored, pumps, buildings, drives and all equipment.

- 3) Clearance from tanks to property lines as required by Section 170.422.

- 4) Type of construction of service station building or buildings, clearly showing that there will be no new basement, cellar or excavation within 20 feet of any underground storage tank system under any portion.

- 5) Location of basements, cellars or pits of other buildings on the property or on adjacent property and location of tanks with reference thereto, as required by Section 170.422. If a building has no basement, cellar or pit, a notation to that effect should be made in the proper place.

- 6) Location of sewers, manholes, catch basins, cesspools, septic tanks, wells or cisterns (whether on the property, adjacent property or in adjoining streets, highways or alleys), and location of tanks with reference thereto, as required by Section 170.422. If there is no sewer, manhole or catch basin in a street or alley or no sewer, cesspool, septic tank, well or cistern on a property, a notation to that effect should be made in the proper place.

- 7) Location of vent pipe outlets as required by Section 170.424(d) and location of fill pipes as required by Section 170.425.

- 8) Ventilation of greasing pits as required by Section 170.130, if greasing pit is located within a building or an enclosure.

- 9) Drawings shall be accompanied by an application for approval made out in triplicate on forms furnished by the Office of the State Fire Marshal.

- 10) Plans will be approved if they meet the requirements contained in this Subpart, and a written granted permit will be issued when the conditions are met.

- b) In the event there is a delegation of authority to the City of Chicago to enforce UST rules and regulations, pursuant to 430 ILCS 15/2, subject to the terms of such an agreement, the City has the authority to modify this Section to change any reference to "Office of the State Fire Marshal," or variation thereof, to the appropriate City authority.

(Source: Amended at 22 Ill. Reg. effective
DEC 1 1998) 21339

Section 170.545 USTs Inside or Under Buildings

- a) The floor level, under which a UST is located, shall be above-grade so as to prevent the flow of liquids or vapors into buildings, and the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- b) ~~No basement--or--excavation--shall--be--constructed--under--any--service station--building--Existing--basements--under--service--stations--shall--be eliminated--or--provided--with--mechanical--ventilation--and--only non-sparking-explosion-proof-motors-and-compressors--shall--be--permitted in--existing--basements--~~

- be) No buildings, commencing April 1, 1995, shall be constructed over UST systems, in operation or out of operation (for any period of time); unless, they are exempted from removal pursuant to Section 170.670(a)(4) or (5). Any such UST system over which a building is constructed shall not subsequently be eligible for an abandonment-in-place permit, as issued pursuant to Section 170.670(d). cd) No USTs or dispensers, containing motor fuel, shall be installed inside buildings, except as authorized pursuant to Section 170.426(k). de) Underground product piping connecting USTs or dispensers, containing motor fuel, shall not be routed under buildings whenever feasible, except used oil UST piping with an inside fill may be permitted subject to approval by the Office of the State Fire Marshal on the applicable permit.

(Source: Amended at 22 Ill. Reg. effective
DEC 1 1998) 21339

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

1500.5520 New
1500.5530 New
1500.5540 New
1500.5550 New
1500.6500 New
1500.6510 New
1500.6520 New
1500.7000 New
1500.7010 New
1500.7015 New
1500.7020 New
1500.7025 New
1500.7030 New

4) Statutory Authority: 30 ILCS 500 and 30 ILCS 525

5) Effective Date of Rules: November 25, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: July 17, 1998, 22 Ill. Reg. 12458

10) Has JCAR issued a Statement of Objections to the rules? No

11) Differences between proposal and final version:

Section 1500.15. Added definition of "Consulting Services".

Section 1500.1580. Added "No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin."

Section 1500.2005(a)(1). Deleted "even if on time". Added "A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery."

Section 1500.2005(b)(2). Inserted after "offerors", the words "who submitted timely bids or proposals". Added "This extension does not provide an opportunity for others to submit bids or proposals."

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

1) Heading of the Part: Office of the Governor Procurement Rules

2) Code Citation: 44 Ill. Adm. Code 1500

3) Section Numbers: Adopted Action:

1500.01 New
1500.05 New
1500.10 New
1500.15 New
1500.25 New
1500.525 New
1500.1005 New
1500.1510 New
1500.1570 New
1500.1580 New
1500.2005 New
1500.2010 New
1500.2012 New
1500.2015 New
1500.2020 New
1500.2025 New
1500.2030 New
1500.2035 New
1500.2036 New
1500.2037 New
1500.2038 New
1500.2040 New
1500.2043 New
1500.2045 New
1500.2047 New
1500.2050 New
1500.2055 New
1500.2060 New
1500.2560 New
1500.2570 New
1500.2800 New
1500.4505 New
1500.4510 New
1500.4530 New
1500.4535 New
1500.4540 New
1500.4570 New
1500.5013 New
1500.5015 New
1500.5020 New
1500.5030 New
1500.5035 New
1500.5510 New

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Section 1500.2010(e)(1). Deleted "\$10,000" and substituted "the small purchase amount".

Section 1500.2015(b). Inserted after "categories", the following: "(note that the following services, if they are professional and artistic, must be procured pursuant to Section 1500.2035 of this Part)".

Section 1500.2020(d). Deleted "\$10,000" and substituted "the small purchase amount".

Section 1500.2025(b). Added subsection (b)(8).

Section 1500.2025(c). Added subsection (c)(2).

Section 1500.2030(a). Added the phrase "and that is not a sole source procurement under Section 1500.2025 of this Part."

Section 1500.2030(b). Added the following: "Procurements may be made under this Section 1500.2030 in the following circumstances:"

Section 1500.2030(b). Rewritten.

Section 1500.2035(o). New. Relettered (o) and (p) to (p) and (q) respectively.

Section 1500.2035(r). New. Relettered (q) to (s).

Section 1500.2036(c). Changed "Master" to "Term and Condition".

Section 1500.2036(c)(2). After "processing", inserted "sole source, emergency or".

Section 1500.2045(b)(1)(I). New.

Section 1500.4505. Added last two sentences.

Section 1500.4540(e)(5). Rewritten.

Section 1500.5013(c). Added last two sentences.

Section 1500.5030. Rewritten.

Section 1500.5035. Rewritten.

Section 1500.5520. Rewritten

Section 1500.5550(c)(1), changed "14" to "7 calendar".

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Several minor editing changes have also been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules no less restrictive than the requirements of the Code to govern procurements. This rulemaking prescribes standard procurement rules for the Office of the Governor in accordance with the requirements of the Illinois Procurement Code.

16) Information and questions regarding these adopted rules shall be directed to:

William Ghesquiere
2 1/2 State House
Springfield, IL 62706
(217)782-5611

The full text of the Adopted Rules begin on the next page:

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
 CHAPTER XXII: OFFICE OF THE GOVERNOR

PART 1500

OFFICE OF THE GOVERNOR PROCUREMENT RULES

SUBPART A: GENERAL

Section
 1500.01 Title
 1500.05 Policy
 1500.10 Application
 1500.15 Definition of Terms Used in This Part
 1500.25 Property Rights

SUBPART B: PROCUREMENT RULES

Section
 1500.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section
 1500.1005 Exercise of Procurement Authority

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
 1500.1510 Illinois Procurement Bulletin
 1500.1570 Error in Notice
 1500.1580 Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
 1500.2005 General Provisions
 1500.2010 Competitive Sealed Bidding
 1500.2012 Multi-Step Sealed Bidding
 1500.2015 Competitive Sealed Proposals
 1500.2020 Small Purchases
 1500.2025 Sole Economically Feasible Source Procurement
 1500.2030 Emergency Procurements
 1500.2035 Competitive Selection Procedures for Professional and Artistic Services
 1500.2036 Other Methods of Source Selection
 1500.2037 Tie Bids and Proposals

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

1500.2038 Mistakes
 1500.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section
 1500.2043 Suppliers
 1500.2045 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
 1500.2047 Security Requirements

SUBPART H: SPECIFICATIONS

Section
 1500.2050 Specifications

SUBPART I: CONTRACT TYPE

Section
 1500.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
 1500.2060 Duration of Contracts - General

SUBPART K: CONTRACT MATTERS

Section
 1500.2560 Prevailing Wage
 1500.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section
 1500.2800 All Costs Included

SUBPART M: PREFERENCES

Section
 1500.4505 Procurement Preferences
 1500.4510 Resident Bidder Preference
 1500.4530 Correctional Industries
 1500.4535 Sheltered Workshops for the Disabled
 1500.4540 Small Business

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

1500.4570 Contracting with Businesses Owned and Controlled by Minorities,
Females and Persons with Disabilities

SUBPART N: ETHICS

Section

1500.5013 Conflicts of Interest
1500.5015 Negotiations for Future Employment
1500.5020 Exemptions
1500.5030 Revolving Door
1500.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section

1500.5510 Complaints Against Vendors
1500.5520 Suspension
1500.5530 Resolution of Contract Controversies
1500.5540 Violation of Statute or Rule
1500.5550 Protests

SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section

1500.6500 General
1500.6510 No Agency Relationship
1500.6520 Obligations of Participating Governmental Units

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

1500.7000 Severability
1500.7010 Government Furnished Property
1500.7015 Inspections
1500.7020 Records and Audits
1500.7025 Written Determinations
1500.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12823, effective July 1, 1998, for a NOV 25 1998 days; adopted at 22 Ill. Reg. 21352, effective _____.

SUBPART A: GENERAL

Section 1500.01 Title

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

This Part may be cited as the Office of the Governor Procurement Rules.

Section 1500.05 Policy

All procurements by the Office of the Governor (OG) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

Section 1500.10 Application

a) Articles 1, 15, 20, 25, 35, 40, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 525] (the Code) will be referenced herein as though applicable to the OG, and all procurements of goods or services conducted by the OG or by CMS on behalf of the OG shall be substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.

b) For the purposes of the Code and this Part, any reference to Chief Procurement Officer (CPO) means the Governor or his designee except that for the purpose of issuing State debt, the Director of the Bureau of the Budget shall be the CPO. The Governor may appoint one or more designees.

c) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.

d) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.

e) A solicitation occurs on or before June 30, 1998, as follows:

1) When advertising was required in the Official State Newspaper, the first advertisement must run no later than June 30, 1998.

2) When advertising was not required:

A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;

B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;

C) if the procurement was by direct solicitation by fax, the fax must show a transmission date no later than June 30, 1998;

D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the State officer or employee who made the solicitation must state in writing when the procurement was discussed and must name the party with whom the discussion took place.

3) In all circumstances, the solicitations must be for the

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

procurement of particular needs. A general discussion to determine if there is any interest on the part of a State agency in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

f) The Code and this Part do not apply to:

- 1) contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in the Code. (For purposes of this subsection (f)(1), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not allow State agencies to utilize contracts established by other governmental entities and school districts.);

- 2) grants;
- 3) hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;
- 4) collective bargaining contracts;
- 5) purchase of real estate; or
- 6) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval. [30 ILCS 500/1-10] Anticipated litigation is that which the OG may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, contracting for expert witnesses.

Section 1500.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - The response to an Invitation for Bids.

"Bidder" - Any person who submits a bid.

"Brand Name or Equal Specification" - A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

"Brand Name Specification" - A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Concession" - The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting services" - services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" - A contract may be in written or oral form. The term contract as used in the Code and this Part includes any agreement or lease that requires the payment of State funds by the OG in exchange for goods or services but it does not include bonds issued by or on behalf of any State agency or contracts relating to bonds issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contractor" or "Vendor" - The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" - Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Items" - Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" - The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Procurement Officer" - The Chief Procurement Officer (CPO) or appropriate State Purchasing Officer (SPO) who conducts the particular procurement, or a designee of either.

"Proposal" - The response to a Request for Proposals.

"Qualified Products List" - An approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation,

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

the State has determined will meet the applicable specification requirements.

"Request for Proposals" or "RFP" - *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Responsive Bidder" - *A person who has submitted a bid that conforms in all material respects to the Invitation for Bids.* [30 ILCS 500/1-85]

"Responsible Offeror" - *A person who has submitted an offer that conforms in all material respects to the Request for Proposals.*

"Service" - *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* [30 ILCS 500/1-15.90] and the financing thereof.

"Specification" - *Any description of the physical, functional, or performance characteristics, or of the nature of, a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.*

"Specification for a Common or General Use Item" - *A specification that has been developed and approved for repeated use in procurements.*

"State Agency" - *Includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code or to the University of Illinois Foundation. "State Agency" does not include units of local government, school districts, community colleges under the Public Community College Act, and the Illinois Comprehensive Health Insurance Board.* [30 ILCS 500/1-15.100]

"Supplies" - *All personal property, including but not limited to*

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" - *Any offer other than one submitted in response to a solicitation.*

Section 1500.25 Property Rights

Receipt of an Invitation for Bids or other procurement document, or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the State in any manner.

SUBPART B: PROCUREMENT RULES

Section 1500.525 Rules

Procurement under the jurisdiction of the OG shall be conducted substantially in accordance with the Code and in accordance with this Part except as provided in this Section. The OG may, in the same manner as State agencies under the jurisdiction of the CPO of CMS, without soliciting independent bids, proposals, or responses, procure goods and services from Master Contracts or other centralized purchasing arrangements established by CMS from vendors selected by CMS in accordance with a competitive selection process established by CMS under the Code.

SUBPART C: PROCUREMENT AUTHORITY

Section 1500.1005 Exercise of Procurement Authority

- a) The CPO shall ensure that all procurements of the OG are in accordance with the Code and this Part and are in the best interests of the State. For procurements other than for issuance of State debt, the CPO may request that CMS conduct such procurements on behalf of the OG. Such procurements conducted by CMS on behalf of the OG shall be carried out in accordance with the Code and rules adopted by CMS thereunder. Additionally, the CPO may delegate to the CPO of CMS the authority to exercise on behalf of the CPO or any Purchasing Officer any right, responsibility, duty or obligation vested in the CPO or any Procurement Officer under the Code or this Part.
- b) The CPO may appoint one or more employees under his direction and supervision to serve as a SPO.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1500.1510 Illinois Procurement Bulletin

- a) Notice of any procurement action, by or on behalf of the OG, that would be required by the Code to be published in the Illinois

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Procurement Bulletin if the OG were a "State Agency" will be forwarded to CMS for inclusion in the appropriate volume of the Bulletin.

b) The Bulletin may be supplemented at the discretion of the OG with publication elsewhere, including in the Official State Newspaper selected by CMS.

c) The notice shall contain at least the following information:

- 1) the Office of the Governor;
 - 2) a brief purchase description;
 - 3) a procurement reference number, if used;
 - 4) the date the procurement is first offered;
 - 5) the date, time, and location for making submissions;
 - 6) the method of source selection;
 - 7) the name of the Procurement Officer in charge; and
 - 8) instructions on how to obtain detailed information.
- d) Notice of each contract awarded that was subject of a notice in subsection (b) above shall be placed in the Bulletin. This notice shall contain at least the following information:
- 1) the information published in subsection (b) above;
 - 2) the name of the vendor selected for award;
 - 3) the contract price;
 - 4) the number of unsuccessful responsive vendors; and
 - 5) other disclosures required to be published in the Bulletin.
- e) The following information regarding emergency procurements shall be published in the Bulletin within 14 days after commencement of performance under the emergency contract:
- 1) name of the procuring agency (and using agency, if different);
 - 2) name of the vendor selected for award;
 - 3) brief description of what the vendor will do or provide;
 - 4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);
 - 5) reasons for using the emergency method of source selection; and
 - 6) name of the Procurement Officer in charge.
- f) The following information in regard to sole source procurements shall be published in the Bulletin at least 14 days prior to entering into the contract with the designated sole source vendor:
- 1) name of the procuring agency (or using agency, if different);
 - 2) name of the vendor;
 - 3) brief description of what the vendor will do or provide; and
 - 4) name of the Procurement Officer in charge.

Section 1500.1570 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin.

Section 1500.1580 Direct Solicitation

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

In addition to giving notice in the Bulletin, OG may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing, but care should be taken to ensure that all vendors solicited in this manner receive the same information as provided to others. No direction solicitation shall be made prior to the date any required notice first appears in the Bulletin.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION**Section 1500.2005 General Provisions**

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
- 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.
 - 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
- 1) The CPO may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the State.
 - 2) After opening bids or proposals, the CPO may request bidders or offerors who submitted timely bids or proposals to extend the time during which the State may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.
- c) Electronic and Facsimile Submissions
- 1) The Invitation for Bids or Request for Proposals may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

as stated in the IFB or RFP.

- 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the purchasing agency at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
- 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) Intent to Submit
The invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.
- e) Only One Bid or Proposal Received
If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:
 - 1) new bids or offers may be solicited, including under sole source (Section 1500.2025) or emergency (Section 1500.2030) procedures; or
 - 2) the procurement may be canceled.
- f) Alternate or Multiple Bids or Proposals
 - 1) Alternate bids or proposals may be accepted if:
 - A) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1500.2025 (Sole Economically Feasible Source Procurement) of this Part; or
 - C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.
 - 2) Multiple bids or proposals may be accepted if:
 - A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
 - B) only one vendor responded; then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.
- 3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.

- g) Multiple Items
An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
- h) "All or None" Bids or Proposals
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.
- i) Conditioning Bids or Proposals Upon Other Awards
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
 - 1) be rejected unless the vendor removes the condition; or
 - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.
- j) Unsolicited Offers
 - 1) Processing of Unsolicited Offers. The CPO may consider unsolicited offers.
 - 2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
 - 3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 1500.2020), sole source (Section 1500.2025), or emergency (Section 1500.2030) procurement.
- k) Clarification of Bids and Proposals
The CPO may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of best and finals as authorized elsewhere in this Part.
 - 1) Extension of Time on Indefinite Quantity Contracts
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.
 - m) Increase in Quantity on Definite Quantity Contracts
 - 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

increased by up to 20% provided the CPO determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage.

- 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the applicable small purchase (Section 1500.2020) threshold.

n) Subsequent Purchase Request

If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid by or on behalf of the OG, the OG wishes to make another purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.

o) Assignment, Novation or Change of Name

1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the CPO, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State.

- 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
 - A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the State; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.

- 3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

- 4) Reports. All change of name or novation agreements under this subsection (o) shall be reported to the CPO within 30 days after the date the agreement becomes effective so that the bid list may be updated.

p) Contracting for Installment Purchase Payments, Including Interest

Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

- q) Use of Source Selection Method that is Not Required

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

If the OG uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), it is not bound to strict compliance with the Code and rules governing the method of source selection used.

- r) Vendor Signature

A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.
- s) Stringing

Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
- t) Confidential Data

Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

Section 1500.2010 Competitive Sealed Bidding

a) Application

Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) The Invitation for Bids

- 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
- 2) Content. The Invitation for Bids shall include, at a minimum, the following:
 - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

- 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

c) Bidding Time

Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

d) Bidder Submissions

1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.

2) Bid Samples and Descriptive Literature

A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.

B) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the OG.

e) Public Notice

1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 1500.1510).

2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.

3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.

f) Pre-Bid Conference

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

g) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB it amends.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an Invitation for

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Bids.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

h) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2) Responsibility. Responsibility of prospective vendors is covered by Section 1500.2045 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

A) Product or Service Acceptability. The Invitation for Bids

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

- i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
- ii) examination of such elements as appearance, finish, taste, or feel;
- iii) other examinations to determine whether it conforms with any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

- 4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.
- 5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award

Following award, a record showing the successful bidder shall be made a part of the procurement file.

1) Award to Other Than Low Bidder

- 1) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

in the Bulletin.

- 2) This action may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the agency, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.

m) Publicizing Award

The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1500.2020 (Small Purchases) of this Part, notice of award shall be published in the Bulletin.

Section 1500.2012 Multi-Step Sealed Bidding

a) Definition. Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

b) Conditions for Use. The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

- 1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and
- 2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.

c) Pre-Bid Conference in Multi-Step Sealed Bidding

Prior to the submission or evaluation of unpriced technical offers, a pre-bid conference as contemplated by Section 1500.2010(f) (Pre-Bid Conference) may be conducted by the Procurement Officer.

d) Procedure for Phase One of Multi-Step Sealed Bidding

- 1) Form. Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 1500.2010 (Competitive Sealed Bidding), except as hereinafter provided. In addition to the requirements set forth in Section 1500.2010, the multi-step Invitation for Bids shall state:

A) that unpriced technical offers are requested;

B) whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- shall be submitted in a separate sealed envelope;
- C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
- D) the criteria to be used in the evaluation of the unpriced technical offers;
- E) that the Procurement Officer may conduct oral or written discussions of the unpriced technical offers;
- F) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.
- 2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Procurement Officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids may be canceled in accordance with Section 1500.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) of this Part and a new Invitation for Bids issued.
- 3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. Such offers shall not be disclosed to unauthorized persons.
- 4) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:
- acceptable;
 - potentially acceptable, that is, reasonably susceptible of being made acceptable; or
 - unacceptable, in which case the Procurement Officer shall record in writing the basis for finding an offer unacceptable, notify the vendor and make it part of the procurement file.
- 5) The Procurement Officer may initiate phase two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds discussion of the technical offers is necessary, the Procurement Officer shall commence discussions of the unpriced technical proposals.
- 6) Discussion of Unpriced Technical Offers. The Procurement Officer may conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

such discussions, the Procurement Officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the Procurement Officer. Such submission may be made at the request of the Procurement Officer or upon the bidder's own initiative.

- 7) Unacceptable Unpriced Technical Offer. When the Procurement Officer determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.

e) Procedure for Phase Two

- 1) Initiation. Upon the completion of phase one, the Procurement Officer shall either:
 - A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or
 - B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.
- 2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except:
 - A) no public notice need be given of this invitation to submit priced bids because such notice was previously given;
 - B) after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the Procurement Officer shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and
 - C) unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.

Section 1500.2015 Competitive Sealed Proposals

- a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.
- b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1500.2035 of this Part):
 - 1) electronic data processing equipment, software, and services;
 - 2) telecommunications equipment, software, and services;
 - 3) consulting services; and
 - 4) employee benefits and management of those benefits.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or not advantageous.

1) "Practicable" Distinguished from "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

2) General Discussion

A) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.

B) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

- i) it permits discussions with competing offerors and changes in their proposals, including price; and
- ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.

C) Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.

3) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permit award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

- A) whether the contract needs to be other than a fixed-price type;
- B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

E) whether the primary consideration in determining award may not be price.

4) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

d) Content of the Request for Proposals

The Request for Proposals shall be prepared in accordance with Section 1500.2010 (Competitive Sealed Bidding), provided that it shall also include:

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and

2) a statement of when and how price should be submitted.

e) Receipt and Registration of Proposals

1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.

f) Evaluation of Proposals

1) Evaluation Factors in the Request for Proposals. The Request for

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Proposals shall state all of the evaluation factors, including price, and their relative importance.

- 2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required.
- 3) Classifying Proposals. For the purpose of conducting discussions, proposals may be initially classified as:
 - A) acceptable;
 - B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
 - C) unacceptable. Offerors whose proposals are unacceptable shall be so notified promptly.

g) Proposal Discussions with Individual Offerors

- 1) "Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.
- 2) Purposes of Discussions. Discussions are held to:
 - A) promote understanding of the State's requirements and the offerors' proposals; and
 - B) facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

- 3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.
- 4) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of best and final offers. The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

offeror's immediately previous offer will be construed as its best and final offer.

h) Award

An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.

i) Publicizing Awards

The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set in Section 1500.2020 of this Part, notice of award shall be published in the Bulletin.

Section 1500.2020 Small Purchases

a) Application

- 1) Procurements of \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- 3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

Section 1500.2025 Sole Economically Feasible Source Procurement

a) Application

The provisions of this Part apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1500.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1500.2030 (Emergency Procurements) of this Part.

b) Conditions for Use of Sole Source Procurement

Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

- 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
- 2) a sole supplier's items are needed for trial use or testing;
- 3) a sole supplier's item is to be procured for commercial resale;
- 4) public utility regulated services are to be procured;
- 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
- 6) the procurement of the media for advertising;
- 7) the procurement of art or entertainment services; and
- 8) changes to existing contracts (see subsection (c) below).

c) Changes

- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

- 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1500.2020 of this Part or that is an emergency as defined in Section

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

1500.2030 of this Part may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) Procurement Officer to Determine

The determination as to whether a procurement shall be made as a sole source shall be made by the Procurement Officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.

e) Publication of Sole Source Notice

The Procurement Officer shall submit to CMS for publication in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.

- 1) If no challenge to this determination is made by a vendor within the 14 day period, the Procurement Officer may execute a contract with that vendor.

- 2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.

f) Negotiation in Sole Source Procurement

The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

- 1) the vendor's name;
- 2) the amount and type of the contract;
- 3) what was procured; and
- 4) the identification number of the contract file.

Section 1500.2030 Emergency Procurements

a) Applications

The provisions of this Part apply to every procurement over the small purchase limit set in Section 1500.2020 (Small Purchases) of this Part and that is not a sole source procurement under Section 1500.2025 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions

Procurements may be made under this Section 1500.2030 in the following circumstances:

- 1) Traditional circumstances include but are not limited to:
 - A) public health or safety, including the health or safety of any particular person, is threatened;
 - B) immediate repairs are needed to State property to protect

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- against further loss or damage to State property, or to prevent loss or damage to State property;
- C) immediate action is needed to prevent or minimize serious disruption in State services;
- D) action is needed to ensure the integrity of State records;
- E) equipment or services are necessary in the furtherance of covert activities lawfully conducted by a State agency. Any required disclosures shall be made so as not to jeopardize those covert activities;
- F) immediate action is necessary to avoid lapsing or loss of federal or donated funds;
- G) availability of rare items such as books of historical value;
- H) extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State; or
- I) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing disadvantage to the State.
- 2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.
- 3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.
- 4) Quick Purchase.
- A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Part for the supplies or services;
- B) Items are available on the spot market or at discounted prices for a limited time so that good business judgement mandates a purchase immediately to take advantage of the availability and price;
- C) availability of rare items such as books of historical value.
- c) Scope of Emergency Conditions

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- Emergency procurements shall be limited to the items, quantity and term necessary to meet the emergency need.
- d) Source Selection Methods
- Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.
- e) Determination and Record of Emergency Procurement
- 1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the Procurement Officer.
- 2) Record. An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the following information:
- A) the vendor's name;
- B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;
- C) a description of what the vendor will do or provide;
- D) the reasons for using the emergency method of source selection.
- 3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.
- Section 1500.2035 Competitive Selection Procedures for Professional and Artistic Services**
- a) Application
- 1) The provisions of this Section apply to every procurement of professional and artistic services except those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and except as provided in subsection (e) below.
- 2) "Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].
- b) Professional and artistic services are further defined as follows:
- 1) "Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the Request for Proposals.
- 2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

3) "Qualified by technical ability" means the individual who would perform the services must demonstrate a high degree of skill or ability in performing services that are the same, similar or closely related in nature to those specified in the Request for Proposals.

4) An essential element distinguishing professional and artistic services from other services is confidence, trust, and belief in not only the ability, but the talent, of the individual performing the service. These services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts. (See Illinois Attorney General Opinion S-256, January 20, 1971.)

5) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

c) The categories of services enumerated below shall be considered and procured as professional and artistic services. With regard to other services, the CPO may determine whether the factors identified in subsection (b), when applied to particular services to be procured, require such services to be procured as professional and artistic under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:

- 1) law;
- 2) accounting;
- 3) medicine;
- 4) dentistry; and
- 5) clinical psychology.

d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Such procurements are not subject to the procedures for other professional services established in the Code or this Part.

e) Conditions for Use of Competitive Selection Procedures Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Services of less than \$20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 1500.2020 (Small Purchases) of this Part.

f) Prequalification

The CPO may use the list of prequalified professional and artistic vendors maintained by CMS. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

professional and artistic vendor to prequalify shall not be cause for rejection of a proposal provided that the responsive offeror supplies with its proposal all information defined by the prequalification process.

g) Public Notice of Competitive Selection Procedures

- 1) Notice of the need for professional and artistic services shall be made by the Procurement Officer in the form of a Request for Proposals.
- 2) Notice shall be given as provided in Section 1500.2010 (Competitive Sealed Bidding) of this Part.
- 3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

h) Request for Proposals

- 1) Contents. The Request for Proposals shall be in the form specified by the CPO and shall contain at least the following information:

- A) the type of services required;
- B) a description of the work involved;
- C) an estimate of when and for how long the services will be required;
- D) the type of contract to be used;
- E) a date by which proposals for the performance of the services shall be submitted;
- F) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:
 - i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - ii) if deemed relevant by the Procurement Officer, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
 - iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals;
 - v) a plan explaining how the services will be performed;

- G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package); and
- H) the factors to be used in the evaluation and selection process and their relative importance.

2) Evaluation. Proposals shall be evaluated only on the basis of

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

evaluation factors stated in the Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

- A) the plan for performing the required services;
- B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
- C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
- D) a record of past performance of similar work.

i) Pre-Proposal Conference

A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 1500.2010(f) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.

j) Delivery, Receipt and Handling of Proposals

1) Proposals shall be submitted to and opened by the CPO.

2) Public Opening

A) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals.

B) Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

C) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.

D) Proposals of offerors who are not awarded the contract shall not be open to public inspection.

k) Discussions

1) Discussions Permissible. The Procurement Officer may conduct discussions with any offeror to:

- A) determine in greater detail such offeror's qualifications; and
- B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

of approach. The Procurement Officer may allow changes to the proposal based on those discussions.

- 2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection except as otherwise provided in the contract.

1) Selection of the Best Qualified Offerors

After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer shall rank the acceptable offerors in the order of their respective qualifications.

m) Evaluation of Pricing Data

Pricing submitted for all proposals timely submitted shall be opened and ranked.

1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed \$25,000, the Procurement Officer may award to that vendor.

3) If the price of the best qualified vendor exceeds \$25,000, the Procurement Officer must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.

n) Negotiation and Award of Contract

1) General. The Procurement Officer shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The Procurement Officer may, in the interest of efficiency, negotiate with other vendors, while negotiating with the best qualified vendor.

2) Elements of Negotiation. At a minimum, contract negotiations shall be directed toward:

- A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
 - B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
 - C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity, and nature of such services.
- 3) Successful Negotiation of Contract with Best Qualified Offeror
- A) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the Procurement Officer based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, and the agency's identified budget.

4) Failure to Negotiate Contract with Best Qualified Offeror

A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefore shall be placed in the file. The Procurement Officer shall advise such offeror of the termination of negotiations.

B) Upon failure to negotiate a contract with the best qualified offeror, the Procurement Officer may enter into negotiations with the next most qualified offeror.

C) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the request for proposals being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

o) Multiple Awards

The Procurement Officer may enter into negotiations with the next most qualified vendor or vendors when the purchasing agency has a need that requires multiple vendors under contract.

p) The Procurement Officer procuring professional and artistic services, including those under an exception described in subsection (e), shall provide to CMS the information necessary for publication in the Bulletin.

q) Notice of Award

Written notice of award shall be public information and made a part of the contract file. Publication shall be in the next available issue of the Bulletin.

r) Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of an SPO do not require approval of the CPO to proceed. Any notices shall be published by the SPO.

s) Post Performance Review

The Purchasing Officer shall provide a synopsis of the contract and shall rate the vendor's performance. A copy of the completed form shall be maintained in the files of the CPO.

Section 1500.2036 Other Methods of Source Selection

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

a) Split Award

1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.

2) The Procurement Officer shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.

b) Multiple Award

1) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the State is obligated to order all of its actual requirements from those vendors.

2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1500.2010 (Competitive Sealed Bidding), Section 1500.2015 (Competitive Sealed Proposals), Section 1500.2020 (Small Purchases), and Section 1500.2030 (Emergency Procurements), as applicable. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.

3) The OG shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.

4) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.

5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.

c) Term and Condition Contracts

1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the OG to procure from the vendor.

2) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements.

d) Auction

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

e) Federal Requirements

The Procurement Officer receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.

f) Donations

1) When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or contracting procedures, the Procurement Officer may follow those procedures, but shall follow the Code and this Part whenever practicable.

2) Donations may be acknowledged by the donee agency in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee agency publications, and inviting the donor to attend the program activity associated with the donation.

Section 1500.2037 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are identical in price or evaluation and represent the low price.

b) Tie bids or proposals will be treated as follows:

1) If the tied vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with this subsection (b). "Illinois resident vendor" has the meaning given in Section 1500.4510 (Resident Bidder Preference) of this Part.

2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.

3) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

offered, the vendor offering the best quality will be accepted. If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the agency require delivery as early as possible.

5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.

c) Record

Each SPO shall provide a report to the CPO on a quarterly basis of all procurements on which tie bids or proposals were received. The report shall provide at least the following information:

- 1) the identification number of the solicitation;
- 2) a description of what was procured; and
- 3) a listing of all the bidders and the prices submitted.

Section 1500.2038 Mistakes

a) General

Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.

b) Mistakes Discovered Before Opening

A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

c) Confirmation of Mistake

When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes in Bids Discovered After Opening but Before Award

This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set for bid opening but before award.

- 1) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure of a bidder to:

- A) return the number of signed bids required by the Invitation for Bids;
- B) acknowledge receipt of an amendment to the Invitation for Bids, but only if:
 - i) it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or
 - ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
- 2) Mistakes Where Intended Correct Bid Is Evident. If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.
- 3) Mistakes Where Intended Correct Bid Is Not Evident. A bidder may be permitted to withdraw a low bid if:
 - A) a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - B) the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

e) Mistakes in Proposals Discovered After Receipt, but Before Award. This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.

- 1) During Discussions; Prior to Best and Final Offers. Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of best and final offers.
- 2) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (d).
- 3) Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:
 - A) the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or
 - B) the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.

- 4) Withdrawal of Proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:
 - A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;
 - B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
 - C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.

f) Mistakes Discovered After Award

Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Determinations Required

When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.

Section 1500.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

a) Scope of this Section

The provisions of this Section shall govern the cancellation of any solicitations whether issued by the State under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.

b) Policy

Any solicitation may be canceled when the Procurement Officer believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.

c) Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening

- 1) As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.
- 2) Prior to opening, a solicitation may be canceled in whole or in

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

part when the Procurement Officer determines in writing that such action is in the State's best interest for reasons including, but not limited to:

- A) the OG no longer requires the supplies or services;
 - B) the OG no longer can reasonably expect to fund the procurement; or
 - C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.
- 3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation.

4) The notice of cancellation shall:

- A) identify the solicitation;
- B) briefly explain the reason for cancellation; and
- C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar supplies or services.

d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening

- 1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest. Such reasons may include, but are not limited to:

- A) the supplies or services being procured are no longer required;
- B) ambiguous or otherwise inadequate specifications were part of the solicitation;
- C) the solicitation did not provide for consideration of all factors of significance to the State;
- D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
- E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
- F) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

- 2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.

e) Documentation

The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

f) Rejection of Individual Bids or Proposals

- 1) General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- 2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.

- 3) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:

- A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1500.2045 (Responsibility) of this Part;
 - B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;
 - C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the State in some material respect;
 - D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or
 - E) the proposed price is clearly unreasonable.
- 4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section 1500.2043 Suppliers

- a) The OG may contract with any qualified source of supply, but should give preference to Directed Sources, and should consider the following Special Sources.

- b) Directed Sources -- State-Produced Supplies or Services
 - 1) Correctional Industries. The CPO, after consulting with the Department of Corrections, shall determine the type and extent of the preference OG shall give to supplies produced or services performed by Correctional Industries. Factors to be considered in determining the preference include, but are not limited to, the ability of Correctional Industries to meet the OG's requirements, the price charged and the reason for the Correctional Industries program.
- 2) Central Services. Supplies and services available from the program operations of CMS shall be utilized unless the CPO authorizes procurement from other sources.

c) Special Sources

- 1) Prior to any equipment procurement, the OG will consider property available from the State and Federal Surplus Warehouses, which are under the jurisdiction of CMS.
- 2) Various supplies and services are available from qualified workshops for the disabled and procurement from these workshops

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

is encouraged. Notice and competition is not required pursuant to Section 45-35 of the Code.

3) Various supplies and services are available from State agencies and other governmental units. These may be procured without notice and competition.

Section 1500.2045 Responsibility**a) Application**

Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

b) Standards of Responsibility

1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but not limited to, whether a prospective vendor:

A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor will be deemed "not responsible");

B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;

E) is qualified legally to contract with the State;

F) has supplied all necessary information in connection with the inquiry concerning responsibility;

G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

H) pays prevailing wages, if required by law; and

I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.

2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The State may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.

c) Ability to Meet Standards

The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:

1) evidence that such vendor possesses such necessary items;

2) acceptable plans to subcontract for such necessary items; or

3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.

d) Duty Concerning Responsibility

Before awarding a contract, the Procurement Officer must be satisfied that the prospective vendor is responsible. Responsibility can be proven until time of contract execution unless the solicitation or other law requires that the vendor submit information necessary to determine responsibility by a stated date or time.

e) Written Determination of Nonresponsibility Required

If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.

f) Bond for Responsibility

Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.

g) Affiliated Companies

Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY**Section 1500.2047 Security Requirements**

a) A Procurement Officer may require that a vendor furnish bid, proposal,

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

or performance security on OG contracts. Whenever security is required, except as provided herein, the procurement document will clearly indicate the type and amount of security.

- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.

- c) Unless the amount is set by law, the Procurement Officer will determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.

- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.

- e) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

SUBPART H: SPECIFICATIONS

Section 1500.2050 Specifications

- a) The OG may use specifications or qualified products lists established or used by CMS.

- b) Brand Name or Equal Specification

1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:

- A) no specification for a common or general use specification or qualified products list is available;
- B) time does not permit the preparation of another form of specification, not including a brand name specification;
- C) the nature of the product or the nature of the State's requirement makes use of a brand name or equal specification suitable for the procurement; or
- D) use of a brand name or equal specification is in the State's best interest.

- 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.

- 3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

specifications shall include a description of the particular design, functional, or performance characteristics that are required.

- 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

- c) Brand Name Only Specification

- 1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the State's needs.

- 2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO. An agency may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

- 3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1500.2025 (Sole Economically Feasible Source Procurement) of this Part.

- 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (see Section 1500.2020 of this Part) and emergency (see Section 1500.2030 of this Part) provisions of this Part.

- d) Proven Products

The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services have been used in business or industry for a specified period of time to be considered.

SUBPART I: CONTRACT TYPE

Section 1500.2055 Types of Contracts

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the State shall have the right to reject the price increase and terminate without cost the future performance of the contract.

d) Cost-Reimbursement Contracts

1) Determination Prior to Use

- A) A cost-reimbursement type contract may be used only when the Procurement Officer determines in writing that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the items.

- B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.

- 2) Cost Contract. A cost contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.

- 3) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.

4) Cost Incentive Contracts

- A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).

- B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost, and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- a) Scope
This Section contains descriptions of types of contracts and limitations as to when they should be utilized by the State in its procurements. Types of contracts not mentioned in this Section may also be utilized.

- b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Illinois Procurement Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

- 1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.

- 2) A percentage mark-up from the price of a supply or service selected by the State or another vendor under contract to the State is not a cost-plus-a-percentage-of-cost contract.

c) Types of Fixed-Price Contracts

- 1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.

2) Fixed-Price Contract with Price Adjustment

- A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:

- i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);
- ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy); and
- iii) in requirement contracts, where a vendor is selected to provide all of the State's needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete the performance of the contract, and, if actual costs exceed the ceiling price, the vendor suffers a loss.

- C) Cost-Reimbursement Contract with Cost-Incentive Fee. In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the State is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.

e) Performance Incentive Contracts

In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the State to a price decrease.

f) Time and Materials Contracts; Labor Hour Contracts

Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. Such contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior State approval.

g) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the State is obligated to order and may also provide for a maximum quantity provision that limits the State's obligation to order.

3) Requirements Contracts. A requirements contract is an indefinite

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

quantity contract for supplies or services that specifically obligates the State to order all the actual requirements of designated State agencies during a specified period of time.

h) Leases

A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to an option to purchase.

i) Recovery Contracts

Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the State. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

j) Option Provisions

1) Contract Provision. When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the OG's option, and there is no material change in the terms and conditions or any such change is dependent on a fixed formula or standard established in the original contract.

2) Lease with Purchase Option. A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals, the leased supply or facility is the only supply or facility that can meet the State's requirements, the purchase option price is less than the small purchase limit or emergency conditions exist.

k) State Produced Supplies and Services

Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

l) Extraordinary Quantities

Notwithstanding any provision in any contract, the State reserves the right to take bids separately if a particular quantity requirement arises that exceeds the State's normal needs or ordering requirements.

m) Energy Conservation

The CPO may authorize an IFB, RFP or sole source negotiation for energy conservation measures whereby the OG would make payment based on utility cost savings. Such contract shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

SUBPART J: DURATION OF CONTRACTS

Section 1500.2060 Duration of Contracts - General

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

a) General

- 1) A multi-term contract for a term of up to 10 years is authorized when determined by the Procurement Officer to be in the best interest of the State.
- 2) The length of the payment term of bonds issued by or on behalf of a State agency shall be limited as provided in the statute authorizing the issuance of the bonds.
- 3) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
- b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Term Contracts

A multi-term contract may be used when:

- 1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or
- 2) a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement.

d) Multi-Term Contract Procedure

The solicitation shall state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract period;
- 3) the type of pricing requested (e.g., firm for term);
- 4) how award will be determined.

e) Renewals

- 1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
- 2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- 3) When a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.

SUBPART K: CONTRACT MATTERS

Section 1500.2560 Prevailing Wage

- a) For the following classifications and if competition exists, no bidder will be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.
 - 1) Public works
 - 2) Printing
 - 3) Janitorial services, window washing and security guard services having a monthly contract price of at least \$200 or a yearly price of at least \$2,000.
- b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.
- c) Prevailing Wage Rates
 - 1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.
 - 2) If the change in the collective bargaining agreement cannot be determined in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, worker's compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The OG shall have the option to cancel the contract if the new price is unacceptable.
- 3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.
- d) If a collective bargaining agreement is in effect governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.
- e) For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers,

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.

f) For printing contracts, location means one of the following areas:

- 1) Location
 - A) Cook County;
 - B) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;
 - C) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.
- 2) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

- g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.
- h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

Section 1500.2570 Equal Employment Opportunity; Affirmative Action

- a) Public Contracts. Every party to a public contract and every eligible bidder shall:
 - 1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
 - 2) Comply with the procedures and requirements of the Department of Human Rights (DHR) regulations concerning equal employment opportunities and affirmative action;
 - 3) Provide such information, with respect to its employees and applicants for employment, and assistance as DHR may reasonably

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

request:

- 4) Have written sexual harassment policies that shall include, at a minimum, the following information:
 - A) the illegality of sexual harassment;
 - B) the definition of sexual harassment under State law;
 - C) a description of sexual harassment, utilizing examples;
 - D) the vendor's internal complaint process, including penalties;
 - E) the legal recourse, investigative and complaint process available through DHR and the Human Rights Commission;
 - F) directions on how to contact DHR and the Commission; and
 - G) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act (IHRA) [775 ILCS 5].

A copy of the policies shall be provided to the Department of Human Rights upon request.

- b) Section 7-105A of the IHRA authorizes the Department of Human Rights to promulgate policies, rules and regulations to implement the provisions of the IHRA applicable to eligible bidders and public contractors. DHR has promulgated rules, 44 Ill. Adm. Code 750, that establish public contractor and eligible bidder duties, obligations, and reporting requirements. Those rules require that certain employers register with DHR in order to be eligible for the award of certain public contracts (44 Ill. Adm. Code 750.Appendix A).

SUBPART L: CONTRACT PRICING

Section 1500.2800 All Costs Included

The IFB or RFP and any resulting contract should define whether prices cover transportation, transit insurance, delivery, installation, taxes, and any other costs.

SUBPART M: PREFERENCES

Section 1500.4505 Procurement Preferences

The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts. When any such preference is utilized, the Invitation for Bids, Request for Proposals, or other procurement request shall identify the preference and the conditions associated with such use. Subsequent Sections of this Subpart M identify conditions for the use of certain of the statutory preferences.

Section 1500.4510 Resident Bidder Preference

- a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced.

- b) In breaking a tie, an Illinois resident vendor shall be given the award.
- c) In all procurements involving out-of-state vendors, the CPO shall consult a list of states with in-state preference that shall be maintained by CMS.

Section 1500.4530 Correctional Industries

- a) The CPO shall consult a listing, maintained by CMS, of supplies or services available from the Department of Corrections.
- b) Procurement Officers are authorized to procure from Corrections without seeking competition or giving public notice.

Section 1500.4535 Sheltered Workshops for the Disabled

- a) Use of Sheltered Workshop
The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by CMS, and may do so without notice or competition.
- b) Conditions for Use
The CPO shall, in consultation with the State Use Committee created by the Code (Section 45-35), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall use procedures established by CMS for implementing this Section.
- c) Sheltered Workshop List
The CPO shall use the list of all qualified sheltered workshops and the supplies and services each qualified sheltered workshop provides, which is maintained by CMS.
- d) Pricing Approval
 - 1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.
 - 2) The State Use Committee, established under Section 45-35 of the

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Code, must approve contracts for reasonableness of price if:

- A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or
 - B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.
- 3) State Use Committee approval is not required if:
- A) the contract does not exceed the bid limit set in Section 1500.2020 of this Part and no bidding was conducted; or
 - B) the contract is let to the sheltered workshop under a competitive procedure.
- 4) When Committee approval is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities. Consideration will be at regularly scheduled meetings or through special telephone meetings conducted between regular meetings.

Section 1500.4540 Small Business

a) Set-Aside

The CPO may determine categories of supplies or service procurements that will be set aside for small business located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

b) Small Business List

The CPO may use the list, maintained by CMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.

c) Required Use

If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) Withdrawal of Set-Aside

If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

e) Criteria for Small Business
Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

- 1) Independently owned and operated.
- 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- 3) With annual sales for most recently ended fiscal year no greater than:

- A) \$7,500,000 for wholesale business;
- B) \$3,000,000 for construction business; or
- C) \$1,500,000 for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding \$9,000,000 and the retail component may not exceed \$1,500,000 and the wholesaler component may not exceed \$7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).

6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However,

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

f) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business or rely on such procedures established by other State agencies. The CPO may establish procedures for verifying such information.

Section 1500.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

a) Introduction

The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 575] (Act) sets a goal (minimum 12%) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities.

b) Upon direction of the CPO, the OG may establish set-asides and other such preferences for vendors certified under that Act.

c) Certification

Certification procedures are set forth in rules governing the Business Enterprise Act (44 Ill. Adm. Code 10).

d) The CPO may refer to the list of businesses that have been certified and maintained by CMS.

SUBPART N: ETHICS

Section 1500.5013 Conflicts of Interest

a) This Section does not apply to those elected to local government, including school districts, nor does it apply to those elected to federal offices in this State. This Section does apply to those elected to an office of Illinois State government.

b) An individual has a direct pecuniary interest in a contract when the benefit is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finders fees and commission payments.

c) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means "dividend". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

d) This Section does not apply to contracts with licensed professionals provided such contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E of this Part.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

Section 1500.5015 Negotiations for Future Employment

- a) *It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.* [30 ILCS 500/50-15(a)]
- b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a "continued contractual relationship" from the effective date of the contract until such time as the contract is terminated.
- c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continued contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

Section 1500.5020 Exemptions

If the Procurement Officer finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the Procurement Officer, if other than the CPO, shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO shall submit the files to the Board of Ethics for its determination and with the approval of the CPO, the Board of Ethics may exempt named individuals from the prohibitions of Section 50-13 of the Code when, *in its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section* [30 ILCS 500/50-20].

Section 1500.5030 Revolving Door

Effective January 15, 1999, the CPO shall identify in writing the designees whose jobs, or whose position descriptions, are at least 51% directly related to State Procurement. The following activities are directly related to State Procurement: drafting specifications, preparing Invitations for Bids and Requests for Proposals, evaluating responses to Invitations for Bids and Requests for Proposals, negotiating contracts and supervising any of the foregoing. The CPO shall maintain that information for a period of at least two years following the end or revocation of the designation.

Section 1500.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- a) For purposes of Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Sections 20-10, 20-15 and 20-35 or Article 35 of the Code. Disclosures are not required in small, sole source or emergency procurements.
- b) For purposes of:
- 1) Section 50-35(b) of the Code, "parent entity" means a person who owns 100% of the bidding entity.
 - 2) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.
- c) Distributable or distributive income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, which is distributed to those entitled to receive a share of such income.
- d) Personal services shall be any contract for services subject to this Code, including, for example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4). "Competitively bid" means a contract let pursuant to Sections 20-10, 20-15 and 20-35 of the Code.
- f) "Subject to federal 10K reporting" means subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.
- g) Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.
- h) 10K Disclosures
- 1) Any vendor subject to federal 10K reporting requirements may submit its 10K to the State in satisfaction of the disclosure requirement of Section 50-35(b) of the Code provided the vendor also identifies the specific sections or parts in the 10K disclosure where the State may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the State is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.
 - 2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO or SPO shall be investigated.
 - 3) In circumstances where a vendor may submit a 10K disclosure in

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

such proposal must be referred to and approved by the Procurement Officer.
d) Cancellation for Breach of Contract
In any of the following cases the Procurement Officer shall have the right to terminate or rescind any contract entered into under this Part:

- 1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.
- 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the OG.
- 3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.
- 4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the OG such that the vendor cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any of his contracts with the OG.
- 5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the Procurement Officer; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
- 6) Any other breach of contract or other unlawful act by the vendor.

e) Cancellation for Fraud, Collusion, Illegality, Etc.
The OG may cancel any contract it established if there is sufficient evidence to show that:

- 1) The contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or
- 2) The contract conflicts with any statutory provision of the State of Illinois or of the United States.

f) Withholding Money to Compensate State for Damages
If a contract is terminated or rescinded under this Section, the OG may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.

g) Damages
The damages for which the OG may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other

OFFICE OF THE GOVERNOR
NOTICE OF ADOPTED RULES

lieu of the specific disclosure requirements of the Code and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of the Code and this Part, and that is not personally known by the Procurement Officer, the duty of the Procurement Officer "publicly known or reasonably available to the public" shall be satisfied by taking into consideration information identified by the vendor in the LOK disclosure and any information disclosed pursuant to public review of the LOK disclosure.

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section 1500.5510 Complaints Against Vendors

- a) The purpose of this Section is to document performance of vendors.
- b) Whenever a vendor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, the OG shall take appropriate action to initiate a complaint to the vendor.
- c) For relatively minor infractions, the OG may initiate contact by telephone or in person. If not resolved by this action, a written complaint shall be made.
- d) For other infractions, the OG shall send a written complaint to the vendor detailing the problem.
- e) A copy of all written complaints and the resolution or status shall be filed with CMS.

Section 1500.5520 Suspension

The OG may recommend to CMS that a vendor be suspended from doing business with the State, with one or more agencies, or for specific types of supplies or services. Suspensions will be governed by 1 Ill. Adm. Code 1.5510 through 1.5550.

Section 1500.5530 Resolution of Contract Controversies

- a) Authority to Resolve Controversies
The Procurement Officer shall have authority to resolve controversies.
- b) Authority of the OG
The OG has the authority to accept delivery of supplies or services in accordance with contract requirements as satisfactory adjustment of a complaint.
- c) Substitution of Terms/Price Reduction
If the vendor proposes to make an adjustment by:
 - 1) substituting an alternative specification, or
 - 2) reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract,

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

legal remedy shall include, but are not limited to, the following:

- 1) the additional cost of supplies or services bought elsewhere;
- 2) cost of repeating the procurement procedure;
- 3) any expenses incurred because of delay in receipt of supplies or services; and
- 4) any other damages caused by the vendor's breach of contract or unlawful act.

Section 1500.5540 Violation of Statute or Rule

- a) Determination that Solicitation or Award Violates Law
If the Purchasing Officer finds that the solicitation or proposed award is in violation of statute or rule, the Purchasing Officer may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.
- b) Determination that Contract Violates the Code or this Part
Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the OG unless statute or rule allows the OG to modify, ratify or take other corrective action.
- c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the OG shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

Section 1500.5550 Protests

- a) Protest Resolution by the Procurement Officer
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.
- b) Complaint to Procurement Officer
Complainants should seek resolution of their complaints initially with the office that issued the solicitation. Such complaints may be made verbally or in writing.
- c) Filing of Protest

- 1) Protests shall be made in writing to the Procurement Officer, if applicable, and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Procurement Officer. Protests filed after the 7 calendar day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by the OG at the designated address before the date for opening of bids or proposals.

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

- 2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:

- A) the name and address of the protester;
- B) appropriate identification of the procurement and, if a contract has been awarded, its number;
- C) a statement of reasons for the protest; and
- D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

- d) Requested Information; Time for Filing
Any additional information requested by the OG shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.

- e) Stay of Procurements During Protest

When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be revoked without penalty and no award made until the protest has been resolved. In either case the Procurement Officer may make the award or reinstate the award upon a determination that the needs of the OG require an immediate award and performance under the contract.

- f) Decision by the Procurement Officer

A decision on a protest shall be made by the Procurement Officer as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

- g) Effect of Judicial or Administrative Proceedings

If an action concerning the protest has commenced in court, the Procurement Officer shall not act on the protest, but shall refer the protest to the Attorney General unless otherwise directed by the Attorney General.

SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section 1500.6500 General

In an effort to make the procurement process more efficient, OG and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525]. Only the CPO may enter into contracts

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

under the Act when the OG is a party to the contract.

Section 1500.6510 No Agency Relationship

In any joint procurement situation, the other governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. The State of Illinois shall have no obligation to the vendor for payment of orders placed by other governmental units.

Section 1500.6520 Obligations of Participating Governmental Units

If governmental units determine to use contracts established by the OG or by CMS on behalf of the OG, they must:

- a) provide to the CPO a copy of the ordinance or resolution passed by the governing body of the governmental unit giving authority to make purchases from contracts issued by the State of Illinois;
- b) make all purchases under the State contracts for public use only and specifically prohibit personal use or consumption by any individual, public employee or official;
- c) make payment to the vendor within 30 days after receipt of supplies or services;
- d) place orders with the supplier directly using their own purchase order forms. A copy of the purchase order must also be sent to the CPO. This copy will be used for statistical purposes and will serve as notice that the governmental unit has complied with the bid action;
- e) inspect all items immediately for compliance with the contract specifications and report to the CPO any failure of suppliers to comply with contract requirements; and
- f) attempt to resolve disputes with the vendor before involving the CPO.

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY**Section 1500.7000 Severability**

If any provision of this Part or any application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

Section 1500.7010 Government Furnished Property

If the OG provides any property to the vendor in furtherance of the contract, such property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the State.

Section 1500.7015 Inspections

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

a) Inspection of Plant or Site

The OG may enter, or authorize CMS to enter, a vendor's or subcontractor's plant or place of business to:

- 1) inspect supplies or services for acceptance by the State pursuant to the terms of a contract;
- 2) audit the books and records of any vendor or subcontractor pursuant to Section 1500.7020 (Records and Audits) of this Part;
- 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
- 4) determine whether the standards of responsibility have been met or are capable of being met;
- 5) determine if the contract is being performed in accordance with its terms; and
- 6) accomplish any other purpose permitted by law.

b) Inspection and Testing of Supplies and Services

- 1) Solicitation and Contractual Provisions. Contracts of the OG may provide for the inspection of supplies and services at the vendor's or subcontractor's facility and performance tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract and may be conducted by CMS on behalf of the OG.

- 2) Procedures for Trial Use and Testing. The Procurement Officers may establish operational procedures, or may rely on such procedures established by CMS, governing the testing and trial use of equipment, material, and other supplies by the OG, and the application of resulting information and data to specifications or procurements.

c) Conduct of Inspections

- 1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the Procurement Officer may change any provision of the specifications or the contract without written authorization of the Procurement Officer. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.
- 2) Location. When an inspection is made in the plant or place of business of a vendor or subcontractor, such vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.
- 3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.
- d) Inspection of Construction Projects
On-site inspection of construction shall be performed in accordance

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

with the terms of the contract.

Section 1500.7020 Records and Audits

a) Retention of Books and Records

Books and records that relate to performance of a contract, including subcontracts, and that support amounts charged to the OG, shall be maintained:

- 1) by a vendor, for three years from the date of final payment under the prime contract;
- 2) by a subcontractor, for at least three years from the date of final payment under the subcontract; and
- 3) by a vendor and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.

b) Contract Audit

1) Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and materials contract.

2) Situations in which an audit may be warranted include, but are not limited to, when a question arises in connection with:

- A) the financial condition, integrity, and reliability of the vendor or subcontractor;
- B) any prior audit experience;
- C) the adequacy of the vendor's or subcontractor's accounting system;
- D) the number or nature of invoices or reimbursement vouchers submitted by the vendor or subcontractor for payment;
- E) the use of federal assistance funds;
- F) the fluctuation of market prices affecting the contract; or
- G) any other situation in which the Procurement Officer finds that such an audit is necessary for the protection of the State's best interest.

Section 1500.7025 Written Determinations

a) Preparation and Execution

When the Code or this Part requires a written determination, the officer required to prepare the determination may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.

b) Content

Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.

c) Obtaining Supporting Information

While an officer is responsible for the execution of the written

OFFICE OF THE GOVERNOR

NOTICE OF ADOPTED RULES

determination, other State personnel, particularly technical personnel and appropriate personnel in the purchasing agency, are responsible for furnishing to the cognizant official, in an accurate and adequate fashion, the information pertinent to the determination. When requested, such information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.

d) Forms

The CPO is authorized to prescribe methods and operational procedures to be used in preparing written determinations.

e) Retention

Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of such file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public inspection.

Section 1500.7030 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

1) Heading of the Part: Office of the Lt. Governor's Procurement Rules

2) Code Citation: 44 Ill. Adm. Code 1600

3) Section Numbers: Adopted Action:

1600.01 New
1600.05 New
1600.10 New
1600.15 New
1600.25 New
1600.525 New
1600.1005 New
1600.1510 New
1600.1570 New
1600.1580 New
1600.2005 New
1600.2010 New
1600.2012 New
1600.2015 New
1600.2020 New
1600.2025 New
1600.2030 New
1600.2035 New
1600.2036 New
1600.2037 New
1600.2038 New
1600.2040 New
1600.2043 New
1600.2045 New
1600.2047 New
1600.2050 New
1600.2055 New
1600.2060 New
1600.2560 New
1600.2570 New
1600.2800 New
1600.4505 New
1600.4510 New
1600.4530 New
1600.4535 New
1600.4540 New
1600.4570 New
1600.5013 New
1600.5015 New
1600.5020 New
1600.5030 New
1600.5035 New
1600.5510 New
1600.5520 New

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

1600.5530 New
1600.5540 New
1600.5550 New
1600.6500 New
1600.6510 New
1600.6520 New
1600.7000 New
1600.7010 New
1600.7015 New
1600.7020 New
1600.7025 New
1600.7030 New

4) Statutory Authority: 30 ILCS 500 and 30 ILCS 525

5) Effective Date of Rules: November 25, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register:

July 17, 1998, 22 Ill. Reg. 12461

10) Has JCAR issued a Statement of Objections to the rules? No

11) Differences between proposal and final version.

Section 1600.15. Added definition of "Consulting Services".

Section 1600.1580. Added "No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin."

Section 1600.2005(a)(1). Deleted "even if on time". Added "A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery."

Section 1600.2005(b)(2). Inserted after "offerors", the words "who submitted timely bids or proposals". Added "This extension does not provide an opportunity for others to submit bids or proposals."

Section 1600.2010(e)(1). Deleted "\$10,000" and substituted "the small

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

purchase amount".

Section 1600.2015(b). Inserted after "categories", the following: "(note that the following services, if they are professional and artistic, must be procured pursuant to Section 1600.2035 of this Part)".

Section 1600.2020(d). Deleted "\$10,000" and substituted "the small purchase amount".

Section 1600.2025(b). Added subsection (b)(8).

Section 1600.2025(c). Added subsection (c)(2).

Section 1600.2030(a). Added the phrase "that is not a sole source procurement under Section 1600.2025 of this Part."

Section 1600.2030(b). Added the following: "Procurements may be made under this Section 1600.2030 in the following circumstances:"

Section 1600.2030(b). Rewritten.

Section 1600.2035(o). New. Relettered (o) and (p) to (p) and (q) respectively.

Section 1600.2035(r). New. Relettered (q) to (s).

Section 1600.2036(c). Changed "Master" to "Term and Condition".

Section 1600.2036(c)(2). After "processing", inserted "sole source, emergency or".

Section 1600.2045(b)(1)(I). New.

Section 1600.4505. Added last two sentences.

Section 1600.4540(e)(5). Rewritten.

Section 1600.5013(c). Added last two sentences.

Section 1600.5030. Rewritten.

Section 1600.5035. Rewritten.

Section 1600.5520. Rewritten

Section 1600.5550(c)(1). Changed "14" to "7 calendar".

Several minor editing changes have also been made.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 1-30 of the Illinois Procurement Code requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code, and that such officers promulgate rules no less restrictive than the requirements of the Code to govern procurements. This rulemaking prescribes standard procurement rules for the Office of the Lt. Governor in accordance with the requirements of the Illinois Procurement Code.

16) Information and questions regarding these adopted rules shall be directed to:

William Ghesquiere
2 1/2 State House
Springfield, IL 62706
(217)782-5611

The full text of the Adopted Rules begin on the next page.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXXIII: OFFICE OF THE LT. GOVERNOR

PART 1600

OFFICE OF THE LT. GOVERNOR'S PROCUREMENT RULES

SUBPART A: GENERAL

Section	Title
1600.01	Title
1600.05	Policy
1600.10	Application
1600.15	Definition of Terms Used in This Part
1600.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Rules
1600.525	

SUBPART C: PROCUREMENT AUTHORITY

Section	Exercise of Procurement Authority
1600.1005	

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Illinois Procurement Bulletin
1600.1510	
1600.1570	Error in Notice
1600.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	General Provisions
1600.2005	
1600.2010	Competitive Sealed Bidding
1600.2012	Multi-Step Sealed Bidding
1600.2015	Competitive Sealed Proposals
1600.2020	Small Purchases
1600.2025	Sole Economically Feasible Source Procurement
1600.2030	Emergency Procurements
1600.2035	Competitive Selection Procedures for Professional and Artistic Services
1600.2036	Other Methods of Source Selection
1600.2037	Tie Bids and Proposals
1600.2038	Mistakes

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

1600.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section	Suppliers
1600.2043	
1600.2045	Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section	Security Requirements
1600.2047	

SUBPART H: SPECIFICATIONS

Section	Specifications
1600.2050	

SUBPART I: CONTRACT TYPE

Section	Types of Contracts
1600.2055	

SUBPART J: DURATION OF CONTRACTS

Section	Duration of Contracts - General
1600.2060	

SUBPART K: CONTRACT MATTERS

Section	Prevailing Wage
1600.2560	
1600.2570	Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section	All Costs Included
1600.2800	

SUBPART M: PREFERENCES

Section	Procurement Preferences
1600.4505	
1600.4510	Resident Bidder Preference
1600.4530	Correctional Industries
1600.4535	Sheltered Workshops for the Disabled
1600.4540	Small Business
1600.4570	Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

SUBPART N: ETHICS

Section	Conflicts of Interest
1600.5013	Conflicts of Interest
1600.5015	Negotiations for Future Employment
1600.5020	Exemptions
1600.5030	Revolving Door
1600.5035	Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section	Complaints Against Vendors
1600.5510	Complaints Against Vendors
1600.5520	Suspension
1600.5530	Resolution of Contract Controversies
1600.5540	Violation of Statute or Rule
1600.5550	Protests

SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section	General
1600.6500	General
1600.6510	No Agency Relationship
1600.6520	Obligations of Participating Governmental Units

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section	Severability
1600.7000	Severability
1600.7010	Government Furnished Property
1600.7015	Inspections
1600.7020	Records and Audits
1600.7025	Written Determinations
1600.7030	No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12893, effective 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 12893, effective NOV 25 1998.

SUBPART A: GENERAL

Section 1600.01 Title

This Part may be cited as the Office of the Lt. Governor Procurement Rules.

Section 1600.05 Policy

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

All procurements by the Office of the Lt. Governor (OLG) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

Section 1600.10 Application

- a) Articles 1, 15, 20, 25, 35, 40, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 500] (the Code) will be referenced herein as though applicable to the OLG, and all procurements of goods or services conducted by the OLG or by CMS on behalf of the OLG shall be substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.
- b) For the purposes of the Code and this Part, any reference to Chief Procurement Officer (CPO) means the Lt. Governor or his designee except that for the purpose of issuing State debt, the Director of the Bureau of the Budget shall be the CPO. The Lt. Governor may appoint one or more designees.
- c) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.
- d) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.
- e) A solicitation occurs on or before June 30, 1998, as follows:
 - 1) When advertising was required in the Official State Newspaper, the first advertisement must run no later than June 30, 1998.
 - 2) When advertising was not required:
 - A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;
 - B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;
 - C) if the procurement was by direct solicitation by fax, the fax must show a transmission date no later than June 30, 1998;
 - D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the State officer or employee who made the solicitation must state in writing when the procurement was discussed and must name the party with whom the discussion took place.
- 3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest on the part of a State agency in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

f) The Code and this Part do not apply to:

- 1) *contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in the Code.* (For purposes of this subsection (f)(1), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not allow State agencies to utilize contracts established by other governmental entities);
- 2) *grants;*
- 3) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;*
- 4) *collective bargaining contracts;*
- 5) *purchase of real estate; or*
- 6) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Lt. Governor shall give his or her prior approval [30 ILCS 500/1-10].* Anticipated litigation is that which the OLG may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, contracting for expert witnesses.

Section 1600.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - The response to an Invitation for Bids.

"Bidder" - Any person who submits a bid.

"Brand Name or Equal Specification" - A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" - A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Concession" - The right or a lease to engage in a certain activity

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" - Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" - A contract may be in written or oral form. The term contract as used in the Code and this Part includes any agreement or lease that requires the payment of State funds by the OLG in exchange for goods or services but it does not include bonds issued by or on behalf of any State agency or contracts relating to bonds issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contractor" or "Vendor" - The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" - Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Items" - Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" - The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Procurement Officer" - The Chief Procurement Officer (CPO) or appropriate State Purchasing Officer (SPO) who conducts the particular procurement, or a designee of either.

"Proposal" - The response to a Request for Proposals.

"Qualified Products List" - An approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Request for Proposals" or "RFP" - The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

"Responsive Bidder" - A person who has submitted a bid that conforms in all material respects to the Invitation for Bids. [30 ILCS 500/1-85]

"Responsible Offeror" - A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Service" - The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance [30 ILCS 500/1-15.90] and the financing thereof.

"Specification" - Any description of the physical, functional, or performance characteristics, or of the nature of, a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" - A specification that has been developed and approved for repeated use in procurements.

"State Agency" - Includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code or to the University of Illinois Foundation. "State Agency" does not include units of local government, school districts, community colleges under the Public Community College Act, and the Illinois Comprehensive Health Insurance Board. [30 ILCS 500/1-15.100]

"Supplies" - All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" - Any offer other than one submitted in response to a solicitation.

Section 1600.25 Property Rights

Receipt of an Invitation for Bids or other procurement document, or submission

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the State in any manner.

SUBPART B: PROCUREMENT RULES

Section 1600.525 Rules

Procurement under the jurisdiction of the OLG shall be conducted substantially in accordance with the Code and in accordance with this Part except as provided in this Section. The OLG may, in the same manner as State agencies under the jurisdiction of the CPO of CMS, without soliciting independent bids, proposals, or responses, procure goods and services from Master Contracts or other centralized purchasing arrangements established by CMS from vendors selected by CMS in accordance with a competitive selection process established by CMS under the Code.

SUBPART C: PROCUREMENT AUTHORITY

Section 1600.1005 Exercise of Procurement Authority

- a) The CPO shall ensure that all procurements of the OLG are in accordance with the Code and this Part and are in the best interests of the State. For procurements other than for issuance of State debt, the CPO may request that CMS conduct such procurements on behalf of the OLG. Such procurements conducted by CMS on behalf of the OLG shall be carried out in accordance with the Code and rules adopted by CMS thereunder. Additionally, the CPO may delegate to the CPO of CMS the authority to exercise on behalf of the CPO or any Procurement Officer any right, responsibility, duty or obligation vested in the CPO or any Procurement Officer under the Code or this Part.
- b) The CPO may appoint one or more employees under his direction and supervision to serve as a SPO.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1600.1510 Illinois Procurement Bulletin

- a) Notice of any procurement action, by or on behalf of the OLG, that would be required by the Code to be published in the Illinois Procurement Bulletin if the OLG were a "State Agency" will be forwarded to CMS for inclusion in the appropriate volume of the Bulletin.
- b) The Bulletin may be supplemented at the discretion of the OLG with publication elsewhere, including in the Official State Newspaper selected by CMS.
- c) The notice shall contain at least the following information:
 - 1) the Office of the Lieutenant Governor;
 - 2) a brief purchase description;
 - 3) a procurement reference number, if used;

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- 4) the date the procurement is first offered;
 - 5) the date, time, and location for making submissions;
 - 6) the method of source selection;
 - 7) the name of the Procurement Officer in charge; and
 - 8) instructions on how to obtain detailed information.
- d) Notice of each contract awarded that was subject of a notice in subsection (b) above shall be placed in the Bulletin. This notice shall contain at least the following information:
- 1) the information published in subsection (b) above;
 - 2) the name of the vendor selected for award;
 - 3) the contract price;
 - 4) the number of unsuccessful responsive vendors; and
 - 5) other disclosures required to be published in the Bulletin.
- e) The following information regarding emergency procurements shall be published in the Bulletin within 14 days after commencement of performance under the emergency contract:
- 1) name of the procuring agency (and using agency, if different);
 - 2) name of the vendor selected for award;
 - 3) brief description of what the vendor will do or provide;
 - 4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);
 - 5) reasons for using the emergency method of source selection; and
 - 6) name of the Procurement Officer in charge.
- f) The following information in regard to sole source procurements shall be published in the Bulletin at least 14 days prior to entering into the contract with the designated sole source vendor:
- 1) name of the procuring agency (or using agency, if different);
 - 2) name of the vendor;
 - 3) brief description of what the vendor will do or provide; and
 - 4) name of the Procurement Officer in charge.

Section 1600.1570 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin.

Section 1600.1580 Direct Solicitation

In addition to giving notice in the Bulletin, OLG may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing, but care should be taken to ensure that all vendors solicited in this manner receive the same information as provided to others. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

Section 1600.2005 General Provisions

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
 - 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the agency shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.
 - 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
 - 1) The CPO may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the State.
 - 2) After opening bids or proposals, the CPO may request bidders or offerors who submitted timely bids or proposals to extend the time during which the State may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.
- c) Electronic and Facsimile Submissions
 - 1) The Invitation for Bids or Request for Proposals may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.
 - 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the purchasing agency at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
 - 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) Intent to Submit

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

e) Only One Bid or Proposal Received

If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

- 1) new bids or offers may be solicited, including under sole source (Section 1600.2025) or emergency (Section 1600.2030) procedures; or
- 2) the procurement may be canceled.

f) Alternate or Multiple Bids or Proposals

- 1) Alternate bids or proposals may be accepted if:
 - A) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1600.2025 (Sole Economically Feasible Source Procurement) of this part; or
 - C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.

2) Multiple bids or proposals may be accepted if:

- A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
- B) only one vendor responded; then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.

- 3) If a vendor clearly indicates a primary submission among alternate or multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.

g) Multiple Items

An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.

h) "All or None" Bids or Proposals

All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

i) Conditioning Bids or Proposals Upon Other Awards

Any bid or proposal that is conditioned upon receiving award of the

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

particular contract being solicited and one or more other State contracts shall:

- 1) be rejected unless the vendor removes the condition; or
- 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.

j) Unsolicited Offers

- 1) Processing of Unsolicited Offers. The CPO may consider unsolicited offers.
- 2) Conditions for Consideration. An unsolicited offer must be in writing, and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.

- 3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 1600.2020), sole source (Section 1600.2025), or emergency (Section 1600.2030) procurement.

k) Clarification of Bids and Proposals

The CPO may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of best and finals as authorized elsewhere in this Part.

l) Extension of Time on Indefinite Quantity Contracts

The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.

m) Increase in Quantity on Definite Quantity Contracts

- 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the CPO determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage.

- 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the applicable small purchase (Section 1600.2020) threshold.

n) Subsequent Purchase Request

If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid by or on behalf of the OIG, the OIG wishes to make another purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such contract is acceptable to the vendor.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- o) Assignment, Novation or Change of Name
- 1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the CPO, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
 - A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the State; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.
 - 3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.
 - 4) Reports. All change of name or novation agreements under this subsection (o) shall be reported to the CPO within 30 days after the date the agreement becomes effective so that the bid list may be updated.
 - p) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
 - q) Use of Source Selection Method that is Not Required. If the OIG uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), it is not bound to strict compliance with the Code and rules governing the method of source selection used.
 - r) Vendor Signature. A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.
 - s) Stringing. Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.
 - t) Confidential Data. Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

Section 1600.2010 Competitive Sealed Bidding

- a) Application. Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) The Invitation for Bids
 - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) Content. The Invitation for Bids shall include, at a minimum, the following:
 - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
 - 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
- c) Bidding Time. Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.
- d) Bidder Submissions
 - 1) Bid Form. The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.
 - 2) Bid Samples and Descriptive Literature
 - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the OIG.
- e) Public Notice
 - 1) Publication. Every procurement for supplies and services in excess of the small purchase amount that must be procured using an Invitation for Bids shall be publicized in the Illinois

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

Procurement Bulletin (see Section 1600.1510).

2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.

3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained; generally describe what is needed; and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.

f) Pre-Bid Conference

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

g) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB it amends.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

h) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a State employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

j) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2) Responsibility. Responsibility of prospective vendors is covered by Section 1600.2045 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste, or feel;

iii) other examinations to determine whether it conforms with any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- rejected.
- 4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.
 - 5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award

Following award, a record showing the successful bidder shall be made a part of the procurement file.

l) Award to Other Than Low Bidder

- 1) The Procurement Officer may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.

- 2) This action may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the agency, that a best value award is justified. However, if the difference in price is significant, the Procurement Officer may not utilize this provision.

m) Publicizing Award

The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1600.2020 (Small Purchases) of this Part, notice of award shall be published in the Bulletin.

Section 1600.2012 Multi-Step Sealed Bidding

- a) Definition. Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

offers are determined to be acceptable during the first phase have their price bids considered.

- b) Conditions for Use. The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:
 - 1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and
 - 2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.

c) Pre-Bid Conference in Multi-Step Sealed Bidding

Prior to the submission or evaluation of unpriced technical offers, a pre-bid conference as contemplated by Section 1600.2010(f) (Pre-Bid Conference) may be conducted by the Procurement Officer.

d) Procedure for Phase One of Multi-Step Sealed Bidding

- 1) Form. Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 1600.2010 (Competitive Sealed Bidding), except as hereinafter provided. In addition to the requirements set forth in Section 1600.2010, the multi-step Invitation for Bids shall state:
 - A) that unpriced technical offers are requested;

- B) whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;

- C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

- D) the criteria to be used in the evaluation of the unpriced technical offers;

- E) that the Procurement Officer may conduct oral or written discussions of the unpriced technical offers;

- F) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.

- 2) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Procurement Officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids may be canceled in accordance with Section

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

1600.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) of this Part and a new Invitation for Bids issued.

3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. Such offers shall not be disclosed to unauthorized persons.

4) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:

- A) acceptable;
- B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
- C) unacceptable, in which case the Procurement Officer shall record in writing the basis for finding an offer unacceptable, notify the vendor and make it part of the procurement file.

5) The Procurement Officer may initiate phase two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds discussion of the technical offers is necessary, the Procurement Officer shall commence discussions of the unpriced technical proposals.

6) Discussion of Unpriced Technical Offers. The Procurement Officer may conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of such discussions, the Procurement Officer shall not disclose any information derived from one unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the Procurement Officer. Such submission may be made at the request of the Procurement Officer or upon the bidder's own initiative.

7) Unacceptable Unpriced Technical Offer. When the Procurement Officer determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.

e) Procedure for Phase Two

1) Initiation. Upon the completion of phase one, the Procurement Officer shall either:

- A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or
- B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except:

- A) no public notice need be given of this invitation to submit

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

priced bids because such notice was previously given; after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the Procurement Officer shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and

- B) unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.
- C) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

Section 1600.2015 Competitive Sealed Proposals

a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

b) The Competitive Sealed Proposal Method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, must be procured pursuant to Section 1600.2035 of this Part):

- 1) electronic data processing equipment, software, and services;
- 2) telecommunications equipment, software, and services;
- 3) consulting services; and
- 4) employee benefits and management of those benefits.

c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or not advantageous.

- 1) "Practicable" Distinguished from "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement may be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the State.

2) General Discussion

- A) If competitive sealed bidding is not practicable or is not advantageous, competitive sealed proposals should be used.
- B) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

- i) it permits discussions with competing offerors and

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

changes in their proposals, including price; and
ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.

C) Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.

3) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

- A) whether the contract needs to be other than a fixed-price type;
 - B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;
 - C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;
 - D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and
 - E) whether the primary consideration in determining award may not be price.
- 4) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:
- A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and
 - B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

d) Content of the Request for Proposals

The Request for Proposals shall be prepared in accordance with Section 1600.2010 (Competitive Sealed Bidding), provided that it shall also include:

- 1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and
 - 2) a statement of when and how price should be submitted.
- e) Receipt and Registration of Proposals
- 1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.
 - 2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.
- f) Evaluation of Proposals
- 1) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance.
 - 2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required.
 - 3) Classifying Proposals. For the purpose of conducting discussions, proposals may be initially classified as:
 - A) acceptable;
 - B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
 - C) unacceptable. Offerors whose proposals are unacceptable shall be so notified promptly.
 - g) Proposal Discussions with Individual Offerors
 - 1) "Offerors" Defined. For the purposes of Section 20-15(f) (Competitive Sealed Proposals, Discussion with Responsible Offerors and Revisions to Proposals) of the Illinois Procurement Code and of this Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.
 - 2) Purposes of Discussions. Discussions are held to:
 - A) promote understanding of the State's requirements and the offerors' proposals; and
 - B) facilitate arriving at a contract that will be most

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

advantageous to the State, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

- 3) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

- 4) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the State's requirements and require another submission of best and final offers. The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

i) Award

An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, based on the factors set forth in the Request for Proposals.

i) Publicizing Awards

The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set in Section 1600.2020 of this Part, notice of award shall be published in the Bulletin.

Section 1600.2020 Small Purchases

a) Application

- 1) Procurements of \$1,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

circumstances.

- 3) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS, for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter shall be used to adjust the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).

- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

Section 1600.2025 Sole Economically Feasible Source Procurement

a) Application

The provisions of this Part apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1600.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 1600.2030 (Emergency Procurements) of this Part.

- b) Conditions for Use of Sole Source Procurement

Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

- 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- 2) a sole supplier's items are needed for trial use or testing;
- 3) a sole supplier's item is to be procured for commercial resale;
- 4) public utility regulated services are to be procured;
- 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
- 6) the procurement of the media for advertising;
- 7) the procurement of art or entertainment services; and
- 8) changes to existing contracts (see subsection (c) below).

c) Changes

- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

- 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1600.2020 of this Part or that is an emergency as defined in Section 1600.2030 of this Part may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.

d) Procurement Officer to Determine

- The determination as to whether a procurement shall be made as a sole source shall be made by the Procurement Officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.

e) Publication of Sole Source Notice

- The Procurement Officer shall submit to CMS for publication in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.

- 1) If no challenge to this determination is made by a vendor within the 14 day period, the Procurement Officer may execute a contract with that vendor.

- 2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.

f) Negotiation in Sole Source Procurement

- The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- each sole source procurement showing:
- 1) the vendor's name;
 - 2) the amount and type of the contract;
 - 3) what was procured; and
 - 4) the identification number of the contract file.

Section 1600.2030 Emergency Procurements

a) Applications

The provisions of this Part apply to every procurement over the small purchase limit set in Section 1600.2020 (Small Purchases) of this Part that is not a sole source procurement under Section 1600.2025 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions

Procurements may be made under this Section 1600.2030 in the following circumstances:

- 1) Traditional circumstances include but are not limited to:

- A) public health or safety, including the health or safety of any particular person, is threatened;
- B) immediate repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;
- C) immediate action is needed to prevent or minimize serious disruption in State services;

- D) action is needed to ensure the integrity of State records;

- E) equipment or services are necessary in the furtherance of covert activities lawfully conducted by a State agency. Any required disclosures shall be made so as not to jeopardize those covert activities;

- F) immediate action is necessary to avoid lapsing or loss of federal or donated funds;

- G) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing disadvantage to the State.

- 2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

- 3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- 4) Quick Purchase.
 - A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Part for the supplies or services;
 - B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - C) availability of rare items such as books of historical value.
- c) Scope of Emergency Conditions

Emergency procurements shall be limited to the items, quantity and term necessary to meet the emergency need.
- d) Source Selection Methods

Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.
- e) Determination and Record of Emergency Procurement
 - 1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the Procurement Officer.
 - 2) Record. An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the following information:
 - A) the vendor's name;
 - B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;
 - C) a description of what the vendor will do or provide;
 - D) the reasons for using the emergency method of source selection.
 - 3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.

Section 1600.2035 Competitive Selection Procedures for Professional and Artistic Services

- a) Application
 - 1) The provisions of this Section apply to every procurement of professional and artistic services except those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and except as provided in subsection (e) below.
- d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Such procurements are not subject to the procedures for other professional services established in the Code or this Part.
- e) Conditions for Use of Competitive Selection Procedures
 - 1) law;
 - 2) accounting;
 - 3) medicine;
 - 4) dentistry; and
 - 5) clinical psychology.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- 2) "Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].
- b) Professional and artistic services are further defined as follows:
 - 1) "Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the Request for Proposals.
 - 2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.
 - 3) "Qualified by technical ability" means the individual who would perform the services must demonstrate a high degree of skill or ability in performing services that are the same, similar or closely related in nature to those specified in the Request for Proposals.
 - 4) An essential element distinguishing professional and artistic services from other services is confidence, trust, and belief in not only the ability, but the talent, of the individual performing the service. These services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts. (See Illinois Attorney General Opinion S-256, January 20, 1971.)
 - 5) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.
- c) The categories of services enumerated below shall be considered and procured as professional and artistic services. With regard to other services, the CPO may determine whether the factors identified in subsection (b), when applied to particular services to be procured, require such services to be procured as professional and artistic under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:
 - 1) law;
 - 2) accounting;
 - 3) medicine;
 - 4) dentistry; and
 - 5) clinical psychology.
- d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Such procurements are not subject to the procedures for other professional services established in the Code or this Part.
- e) Conditions for Use of Competitive Selection Procedures
 - 1) law;
 - 2) accounting;
 - 3) medicine;
 - 4) dentistry; and
 - 5) clinical psychology.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

Except as authorized under Section 20-25 (Sole Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Services of less than \$20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 1600.2020 (Small Purchases) of this Part.

f) Prequalification

The CPO may use the list of prequalified professional and artistic vendors maintained by CMS. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal provided that the responsive offeror supplies with its proposal all information defined by the prequalification process.

g) Public Notice of Competitive Selection Procedures

- 1) Notice of the need for professional and artistic services shall be made by the Procurement Officer in the form of a Request for Proposals.
- 2) Notice shall be given as provided in Section 1600.2010 (Competitive Sealed Bidding) of this Part.
- 3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

h) Request for Proposals

- 1) Contents. The Request for Proposals shall be in the form specified by the CPO and shall contain at least the following information:
 - A) the type of services required;
 - B) a description of the work involved;
 - C) an estimate of when and for how long the services will be required;
 - D) the type of contract to be used;
 - E) a date by which proposals for the performance of the services shall be submitted;
 - F) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:
 - i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - ii) if deemed relevant by the Procurement Officer, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
 - iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - iv) a listing of other contracts under which services similar in scope, size, or discipline to the required

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

services were performed or undertaken within a previous period of time, as specified in the Request for Proposals;

- v) a plan explaining how the services will be performed;
 - G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package); and
 - H) the factors to be used in the evaluation and selection process and their relative importance.
- 2) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:
- A) the plan for performing the required services;
 - B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
 - C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
 - D) a record of past performance of similar work.

i) Pre-Proposal Conference

A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 1600.2010(f) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.

j) Delivery, Receipt and Handling of Proposals

- 1) Proposals shall be submitted to and opened by the CPO.
- 2) Public Opening

A) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals.

B) Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

C) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only State personnel and contractual agents may review the proposals prior to award.

D) Proposals of offerors who are not awarded the contract shall

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

not be open to public inspection.

- k) Discussions
 - 1) Discussions Permissible. The Procurement Officer may conduct discussions with any offeror to:
 - A) determine in greater detail such offeror's qualifications; and
 - B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The Procurement Officer may allow changes to the proposal based on those discussions.
 - 2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection except as otherwise provided in the contract.
- l) Selection of the Best Qualified Offerors
 - After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer shall rank the acceptable offerors in the order of their respective qualifications.
- m) Evaluation of Pricing Data
 - Pricing submitted for all proposals timely submitted shall be opened and ranked.
 - 1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor.
 - 2) If the price of the most qualified vendor is not low and if it does not exceed \$25,000, the Procurement Officer may award to that vendor.
 - 3) If the price of the best qualified vendor exceeds \$25,000, the Procurement Officer must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.
- n) Negotiation and Award of Contract
 - 1) General. The Procurement Officer shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The Procurement Officer may, in the interest of efficiency, negotiate with other vendors, while negotiating with the best qualified vendor.
 - 2) Elements of Negotiation. At a minimum, contract negotiations shall be directed toward:
 - A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
 - B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
 - C) agreeing upon compensation that is fair and reasonable,

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

taking into account the estimated value of the required services and the scope, complexity, and nature of such services.

- 3) Successful Negotiation of Contract with Best Qualified Offeror
 - A) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.
 - B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the Procurement Officer based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, and the agency's identified budget.
- 4) Failure to Negotiate Contract with Best Qualified Offeror
 - A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefore shall be placed in the file. The Procurement Officer shall advise such offeror of the termination of negotiations.
 - B) Upon failure to negotiate a contract with the best qualified offeror, the Procurement Officer may enter into negotiations with the next most qualified offeror.
 - C) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the request for proposals being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.
- o) Multiple Awards
 - The Procurement Office may enter into negotiations with the next most qualified vendor or vendors when the purchasing agency has a need that requires multiple vendors under contract.
- p) The Procurement Officer procuring professional and artistic services, including those under an exception described in subsection (e), shall provide to CMS the information necessary for publication in the Bulletin.
- q) Notice of Award
 - Written notice of award shall be public information and made a part of the contract file. Publication shall be in the next available issue of the Bulletin.
- r) Small, sole source and emergency procurements of professional and artistic services under the jurisdiction of an SPO do not require approval of the CPO to proceed. Any notices shall be published by the SPO.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- s) Post Performance Review
The Purchasing Officer shall provide a synopsis of the contract and shall rate the vendor's performance. A copy of the completed form shall be maintained in the files of the CPO.

Section 1600.2036 Other Methods of Source Selection

- a) Split Award
1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.
2) The Procurement Officer shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.
- b) Multiple Award
1) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the State is obligated to order all of its actual requirements from those vendors.
2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 1600.2010 (Competitive Sealed Bidding), Section 1600.2015 (Competitive Sealed Proposals), Section 1600.2020 (Small Purchases), and Section 1600.2030 (Emergency Procurements), as applicable. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of suppliers necessary to meet the valid requirements of State agencies.
3) The OLG shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.
4) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.
5) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.
- c) Term and Condition Contracts
1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- It creates no obligation on the part of the OLG to procure from the vendor.
- 2) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency or small procurements.
- d) Auction
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.
- e) Federal Requirements
The Procurement Officer receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.
- f) Donations
1) When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or contracting procedures, the Procurement Officer may follow those procedures, but shall follow the Code and this part whenever practicable.
2) Donations may be acknowledged by the donee agency in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee agency publications, and inviting the donor to attend the program activity associated with the donation.

Section 1600.2037 Tie Bids and Proposals

- a) Tie bids or proposals are those from responsive and responsible vendors that are identical in price or evaluation and represent the low price.
- b) Tie bids or proposals will be treated as follows:
1) If the tied vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with this subsection (b). "Illinois resident vendor" has the meaning given in Section 1600.4510 (Resident Bidder Preference) of this Part.
2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

has knowledge of State requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.

- 3) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.
 - 4) If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the agency require delivery as early as possible.
 - 5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.
- c) Record
- Each SPO shall provide a report to the CPO on a quarterly basis of all procurements on which tie bids or proposals were received. The report shall provide at least the following information:
- 1) the identification number of the solicitation;
 - 2) a description of what was procured; and
 - 3) a listing of all the bidders and the prices submitted.

Section 1600.2038 Mistakes

- a) General

Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.

- b) Mistakes Discovered Before Opening

A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

- c) Confirmation of Mistake

When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

- d) Mistakes in Bids Discovered After Opening but Before Award

This subsection (d) sets forth procedures to be applied in situations in which mistakes in bids are discovered after the time and date set

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

for bid opening but before award.

- 1) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure of a bidder to:
 - A) return the number of signed bids required by the Invitation for Bids;
 - B) acknowledge receipt of an amendment to the Invitation for Bids, but only if:
 - i) it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or
 - ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
 - 2) Mistakes Where Intended Correct Bid Is Evident. If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.
 - 3) Mistakes Where Intended Correct Bid Is Not Evident. A bidder may be permitted to withdraw a low bid if:
 - A) a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - B) the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.
- e) Mistakes in Proposals Discovered After Receipt, but Before Award
- This subsection (e) sets forth procedures to be applied in four situations in which mistakes in proposals are discovered after receipt of proposals but before award.
- 1) During Discussions; Prior to Best and Final Offers. Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of best and final offers.
 - 2) Minor Informalities. Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (d).
 - 3) Correction of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:
 - A) the mistake and the intended correct offer are clearly

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

evident on the face of the proposal, in which event the proposal may not be withdrawn; or

- B) the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.

- 4) Withdrawal of Proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:

- A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;
B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.

- f) Mistakes Discovered After Award

Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

- g) Determinations Required

When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.

Section 1600.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

- a) Scope of this Section

The provisions of this Section shall govern the cancellation of any solicitations whether issued by the State under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.

- b) Policy

Any solicitation may be canceled when the Procurement Officer believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.

- c) Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening

- 1) As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

sealed bidding, or receipt of proposals in competitive sealed proposals.

- 2) Prior to opening, a solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest for reasons including, but not limited to:

- A) the OIG no longer requires the supplies or services;
B) the OIG no longer can reasonably expect to fund the procurement; or
C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.

- 3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that responded to the solicitation.

- 4) The notice of cancellation shall:

- A) identify the solicitation;
B) briefly explain the reason for cancellation; and
C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar supplies or services.

- d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening

- 1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest. Such reasons may include, but are not limited to:

- A) the supplies or services being procured are no longer required;
B) ambiguous or otherwise inadequate specifications were part of the solicitation;
C) the solicitation did not provide for consideration of all factors of significance to the State;
D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

- E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

- F) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

- 2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.

- e) Documentation

The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

- f) Rejection of Individual Bids or Proposals

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- 1) General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.
- 2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this Section.
- 3) Reasons for Rejection. Reasons for rejecting a bid or proposal may include, but are not limited to:
 - A) the business that submitted the bid or proposal is nonresponsible as determined under Section 1600.2045 (Responsibility) of this Part;
 - B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;
 - C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the State in some material respect;
 - D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or
 - E) the proposed price is clearly unreasonable.
- 4) Notice of Rejection. Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

SUBPART F: SUPPLIERS AND RESPONSIBILITY

Section 1600.2043 Suppliers

- a) The OLG may contract with any qualified source of supply, but should give preference to Directed Sources, and should consider the following Special Sources.
 - 1) Directed Sources -- State-Produced Supplies or Services
 - 1) Correctional Industries. The CPO, after consulting with the Department of Corrections, shall determine the type and extent of the preference OLG shall give to supplies produced or services performed by Correctional Industries. Factors to be considered in determining the preference include, but are not limited to, the ability of Correctional Industries to meet the OLG's requirements, the price charged and the reason for the Correctional Industries program.
 - 2) Central Services. Supplies and services available from the program operations of CMS shall be utilized unless the CPO authorizes procurement from other sources.
- c) Special Sources
 - 1) Prior to any equipment procurement, the OLG will consider property available from the State and Federal Surplus Warehouses, which are under the jurisdiction of CMS.
 - 2) Various supplies and services are available from qualified

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

workshops for the disabled and procurement from these workshops is encouraged. Notice and competition is not required pursuant to Section 45-35 of the Code.

- 3) Various supplies and services are available from State agencies and other governmental units. These may be procured without notice and competition.

Section 1600.2045 Responsibility

- a) Application

Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.
- b) Standards of Responsibility
 - 1) Standards. Factors to be considered in determining whether the standard of responsibility has been met may include, but are not limited to, whether a prospective vendor:
 - A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the procurement officer may designate a level of financial resource below which the vendor will be deemed "not responsible");
 - B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
 - C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;
 - D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;
 - E) is qualified legally to contract with the State;
 - F) has supplied all necessary information in connection with the inquiry concerning responsibility;
 - G) has a current Public Contracts number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- H) pays prevailing wages, if required by law; and
- I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.
- 2) Information Pertaining to Responsibility. The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor. The State may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor nonresponsible.
- c) Ability to Meet Standards
The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:
- 1) evidence that such vendor possesses such necessary items;
 - 2) acceptable plans to subcontract for such necessary items; or
 - 3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
- d) Duty Concerning Responsibility
Before awarding a contract, the Procurement Officer must be satisfied that the prospective vendor is responsible. Responsibility can be proven until time of contract execution unless the solicitation or other law requires that the vendor submit information necessary to determine responsibility by a stated date or time.
- e) Written Determination of Nonresponsibility Required
If a vendor who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. The final determination shall be made part of the procurement file.
- f) Bond for Responsibility
Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.
- g) Affiliated Companies
Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible will also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of nonresponsibility.

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 1600.2047 Security Requirements

- a) A Procurement Officer may require that a vendor furnish bid, proposal, or performance security on OLG contracts. Whenever security is

- required, except as provided herein, the procurement document will clearly indicate the type and amount of security.
- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.
- c) Unless the amount is set by law, the Procurement Officer will determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.
- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.
- e) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

SUBPART H: SPECIFICATIONS

Section 1600.2050 Specifications

- a) The OLG may use specifications or qualified products lists established or used by CMS.
- b) Brand Name or Equal Specification
1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:
- A) no specification for a common or general use specification or qualified products list is available;
 - B) time does not permit the preparation of another form of specification, not including a brand name specification;
 - C) the nature of the product or the nature of the State's requirement makes use of a brand name or equal specification suitable for the procurement; or
 - D) use of a brand name or equal specification is in the State's best interest.
- 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.
- 3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

required.

- 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

c) Brand Name Only Specification

- 1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the State's needs.

- 2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO. An agency may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

- 3) Competition. The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 1600.2025 (Sole Economically Feasible Source Procurement) of this Part.

- 4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (see Section 1600.2020 of this Part) and emergency (see Section 1600.2025 of this Part) provisions of this Part.

d) Proven Products

The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services have been used in business or industry for a specified period of time to be considered.

SUBPART I: CONTRACT TYPE

Section 1600.2055 Types of Contracts

a) Scope

This Section contains descriptions of types of contracts and limitations as to when they should be utilized by the State in its

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

procurements. Types of contracts not mentioned in this Section may also be utilized.

- b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting. The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Illinois Procurement Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

- 1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.

- 2) A percentage mark-up from the price of a supply or service selected by the State or another vendor under contract to the State is not a cost-plus-a-percentage-of-cost contract.

c) Types of Fixed-Price Contracts

- 1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.

- 2) Fixed-Price Contract with Price Adjustment

A) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:

i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);

ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy); and

iii) in requirement contracts, where a vendor is selected to provide all of the State's needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

- B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the State shall have the right to reject the price increase and terminate without cost the future performance

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

of the contract.

- d) Cost-Reimbursement Contracts
 - 1) Determination Prior to Use
 - A) A cost-reimbursement type contract may be used only when the Procurement Officer determines in writing that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the items.
 - B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.
 - 2) Cost Contract. A cost contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.
 - 3) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.
 - 4) Cost Incentive Contracts
 - A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).
 - B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost, and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete performance of the contract, and, if actual costs exceed the

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- C) ceiling price, the vendor suffers a loss.
- C) Cost-Reimbursement Contract with Cost-Incentive Fee. In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the State is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.
- e) Performance Incentive Contracts
 - In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the State to a price decrease.
 - f) Time and Materials Contracts; Labor Hour Contracts
 - Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. Such contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior State approval.
 - g) Definite Quantity and Indefinite Quantity Contracts
 - 1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.
 - 2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the State is obligated to order and may also provide for a maximum quantity provision that limits the State's obligation to order.
 - 3) Requirements Contracts. A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the State to order all the actual requirements of designated State agencies during a specified period of time.
 - h) Leases
 - A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

an option to purchase.

- i) Recovery Contracts
Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the State. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.
- j) Option Provisions
 - 1) Contract Provision. When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the OLG's option, and there is no material change in the terms and conditions or any such change is dependent on a fixed formula or standard established in the original contract.
 - 2) Lease with Purchase Option. A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals, the leased supply or facility is the only supply or facility that can meet the State's requirements, the purchase option price is less than the small purchase limit or emergency conditions exist.
- k) State Produced Supplies and Services
Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

- l) Extraordinary Quantities
Notwithstanding any provision in any contract, the State reserves the right to take bids separately if a particular quantity requirement arises that exceeds the State's normal needs or ordering requirements.
- m) Energy Conservation
The CPO may authorize an IFB, RFP or sole source negotiation for energy conservation measures whereby the OLG would make payment based on utility cost savings. Such contract shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

SUBPART J: DURATION OF CONTRACTS

Section 1600.2060 Duration of Contracts - General

- a) General
 - 1) A multi-term contract for a term of up to 10 years is authorized when determined by the Procurement Officer to be in the best interest of the State.
 - 2) The length of the payment term of bonds issued by or on behalf of a State agency shall be limited as provided in the statute

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- authorizing the issuance of the bonds.
- 3) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
 - b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled without penalty to, or further payment being required by, the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
 - c) Conditions for Use of Multi-Term Contracts
A multi-term contract may be used when:
 - 1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or
 - 2) a multi-term contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement.
 - d) Multi-Term Contract Procedure
The solicitation shall state:
 - 1) the proposed term;
 - 2) the amount of supplies or services required for the proposed contract period;
 - 3) the type of pricing requested (e.g., firm for term);
 - 4) how award will be determined.
 - e) Renewals
 - 1) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the option is reserved solely to the State or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
 - 2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.
 - 3) When a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. This renewal will start a new term that shall not exceed 10 years.

SUBPART K: CONTRACT MATTERS

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

Section 1600.2560 Prevailing Wage

- a) For the following classifications and if competition exists, no bidder will be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.

- 1) Public works
 - 2) Printing
 - 3) Janitorial services, window washing and security guard services having a monthly contract price of at least \$200 or a yearly price of at least \$2,000.
- b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.

c) Prevailing Wage Rates

- 1) Prevailing wage rates, benefits and conditions will be those in effect on the first date of the contract, provided that, if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.
- 2) If the change in the collective bargaining agreement cannot be determined in advance, the contract will be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, worker's compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The OLG shall have the option to cancel the contract if the new price is unacceptable.
- 3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and will remain valid for the stated term.
- d) If a collective bargaining agreement is in effect governing the type of printing, janitorial, window washing or security guard service sought, that agreement will define minimum wages, benefits and conditions that must be paid in order for a bidder to be considered responsible.
- e) For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.

- f) For printing contracts, location means one of the following areas:

- 1) Location
 - A) Cook County;
 - B) Boone, Bureau, Carroll, Champaign, DeKalb, Dewitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois,

Jo Davies, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;

C) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.

- 2) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.
- g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.
- h) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

Section 1600.2570 Equal Employment Opportunity; Affirmative Action

- a) Public Contracts. Every party to a public contract and every eligible bidder shall:
 - 1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
 - 2) Comply with the procedures and requirements of the Department of Human Rights (DHR) regulations concerning equal employment opportunities and affirmative action;
 - 3) Provide such information, with respect to its employees and applicants for employment, and assistance as DHR may reasonably request;
 - 4) Have written sexual harassment policies that shall include, at a minimum, the following information:
 - A) the illegality of sexual harassment;
 - B) the definition of sexual harassment under State law;
 - C) a description of sexual harassment, utilizing examples;
 - D) the vendor's internal complaint process, including penalties;
 - E) the legal recourse, investigative and complaint process available through DHR and the Human Rights Commission;

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- F) directions on how to contact DHR and the Commission; and
G) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act (IHRA) [775 ILCS 5]. A copy of the policies shall be provided to the Department of Human Rights upon request.

- b) Section 7-105A of the IHRA authorizes the Department of Human Rights to promulgate policies, rules and regulations to implement the provisions of the IHRA applicable to eligible bidders and public contractors. DHR has promulgated rules, 44 Ill. Adm. Code 750, that establish public contractor and eligible bidder duties, obligations, and reporting requirements. Those rules require that certain employers register with DHR in order to be eligible for the award of certain public contracts (44 Ill. Adm. Code 750.Appendix A).

SUBPART L: CONTRACT PRICING

Section 1600.2800 All Costs Included

The IFB or RFP and any resulting contract should define whether prices cover transportation, transit insurance, delivery, installation, taxes, and any other costs.

SUBPART M: PREFERENCES

Section 1600.4505 Procurement Preferences

The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts. When any such preference is utilized, the Invitation for Bids, Request for Proposals, or other procurement request shall identify the preference and the conditions associated with such use. Subsequent Sections of this Subpart M identify conditions for the use of certain of the statutory preferences.

Section 1600.4510 Resident Bidder Preference

- a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced.
- b) In breaking a tie, an Illinois resident vendor shall be given the award.
- c) In all procurements involving out-of-state vendors, the CPO shall

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

consult a list of states with in-state preference that shall be maintained by CMS.

Section 1600.4530 Correctional Industries

- a) The CPO shall consult a listing, maintained by CMS, of supplies or services available from the Department of Corrections.
b) Procurement Officers are authorized to procure from Corrections without seeking competition or giving public notice.

Section 1600.4535 Sheltered Workshops for the Disabled

- a) Use of Sheltered Workshop
The Procurement Officer may determine to contract with a sheltered workshop on the list maintained by CMS, and may do so without notice or competition.
- b) Conditions for Use
The CPO shall, in consultation with the State Use Committee created by the Code (Section 45-35), determine which articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in State use sheltered workshops shall be given preference by purchasing agencies procuring those items. The CPO shall use procedures established by CMS for implementing this Section.
- c) Sheltered Workshop List
The CPO shall use the list of all qualified sheltered workshops and the supplies and services each qualified sheltered workshop provides, which is maintained by CMS.
- d) Pricing Approval

- 1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.
- 2) The State Use Committee, established under Section 45-35 of the Code, must approve contracts for reasonableness of price if:
- A) the supply or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or
- B) the supply or service is bid and the sheltered workshop is selected even though not the lowest responsible bidder.
- 3) State Use Committee approval is not required if:
- A) the contract does not exceed the bid limit set in Section 1600.2020 of this Part and no bidding was conducted; or
- B) the contract is let to the sheltered workshop under a competitive procedure.
- 4) When Committee approval is required, it will be given or denied in an expeditious manner so as not to disrupt procurement

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

activities. Consideration will be at regularly scheduled meetings or through special telephone meetings conducted between regular meetings.

Section 1600.4540 Small Business

a) Set-Aside

The CPO may determine categories of supplies or service procurements that will be set aside for small business located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

b) Small Business List

The CPO may use the list, maintained by CMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.

c) Required Use

If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.

d) Withdrawal of Set-Aside

If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.

e) Criteria for Small Business

Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

- 1) Independently owned and operated.
- 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- 3) With annual sales for most recently ended fiscal year no greater

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

than:

- A) \$7,500,000 for wholesale business;
- B) \$3,000,000 for construction business; or
- C) \$1,500,000 for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.

5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding \$9,000,000 and the retail component may not exceed \$1,500,000 and the wholesale component may not exceed \$7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).

6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

f) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business or rely on such procedures established by other State agencies. The CPO may establish procedures for verifying such information.

Section 1600.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

a) Introduction

The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 5/5] (Act) sets a goal (minimum 12%) for

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

contracting with businesses owned or controlled by minorities, females, or persons with disabilities.

- b) Upon direction of the CPO, the OIG may establish set-asides and other such preferences for vendors certified under that Act.
- c) Certification
- d) Certification procedures are set forth in rules governing the Business Enterprise Act (44 Ill. Adm. Code 10).

The CPO may refer to the list of businesses that have been certified and maintained by CMS.

SUBPART N: ETHICS

Section 1600.5013 Conflicts of Interest

- a) This Section does not apply to those elected to local government, including school districts, nor does it apply to those elected to federal offices in this State. This Section does apply to those elected to an office of Illinois State government.
- b) An individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finders fees and commission payments.
- c) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.
- d) This Section does not apply to contracts with licensed professionals provided such contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E of this Part.

Section 1600.5015 Negotiations for Future Employment

- a) It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment. [30 ILCS 500/50-15(a)]
- b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a "continued contractual relationship" from the effective date of the contract until such time as the contract is terminated.
- c) An individual who performs services pursuant to a contract and who

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continued contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

(Source: Amended at 22 Ill. Reg. 21482, effective NOV 25 1998)

Section 1600.5020 Exemptions

If the Procurement Officer finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the Procurement Officer, if other than the CPO, shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO shall submit the files to the Board of Ethics for its determination and with the approval of the CPO, the Board of Ethics may exempt named individuals from the prohibitions of Section 50-13 of the Code when, in its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section [30 ILCS 500/50-20].

Section 1600.5030 Revolving Door

Effective January 15, 1999, the CPO shall identify in writing the designees whose jobs or whose position descriptions, are at least 51% directly related to State procurement. The following activities are directly related to State procurement: drafting specifications, preparing Invitations for Bids and Requests for Proposals, evaluating responses to Invitations for Bids and Requests for Proposals, negotiating contracts and supervising any of the foregoing. The CPO shall maintain that information for a period of at least two years following the end or revocation of the designation.

Section 1600.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

- a) For purposes of Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Sections 20-10, 20-15 and 20-35 or Article 35 of the Code. Disclosures are not required in small, sole source or emergency procurements.
- b) For purposes of:
 - 1) Section 50-35(b) of the Code, "parent entity" means a person who owns 100% of the bidding entity.
 - 2) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.
- c) Distributable or distributive income means the income of a company

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

after payment of all expenses, including employee salaries and bonuses, and retained earnings, which is distributed to those entitled to receive a share of such income.

- d) Personal services shall be any contract for services subject to this Code, including, for example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4).
- e) "Competitively bid" means a contract let pursuant to Section 20-10, 20-15 and 20-35 of the Code.
- f) "Subject to federal 10K reporting" means subject to the reporting Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.

- g) Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.

h) 10K Disclosures

- 1) Any vendor subject to federal 10K reporting requirements may submit its 10K to the State in satisfaction of the disclosure requirement of Section 50-35(b) of the Code provided the vendor also identifies the specific sections or parts in the 10K disclosure where the State may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the State is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

- 2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO or SPO shall be investigated.

- 3) In circumstances where a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of the Code and this Part, and that is not personally known by the Procurement Officer, the duty of the Procurement Officer "publicly known or reasonably available to the public" shall be satisfied by taking into consideration information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

SUBPART O: COMPLAINTS, PROTESTS AND REMEDIES

Section 1600.5510 Complaints Against Vendors

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- a) The purpose of this Section is to document performance of vendors.
- b) Whenever a vendor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, the OLG shall take appropriate action to initiate a complaint to the vendor.
- c) For relatively minor infractions, the OLG may initiate contact by telephone or in person. If not resolved by this action, a written complaint shall be made.
- d) For other infractions, the OLG shall send a written complaint to the vendor detailing the problem.
- e) A copy of all written complaints and the resolution or status shall be filed with CMS.

Section 1600.5520 Suspension

The OLG may recommend to CMS that a vendor be suspended from doing business with the State, with one or more agencies, or for specific types of supplies or services. Suspensions will be governed by 1 Ill. Adm. Code 1.5510 through 1.5550.

Section 1600.5530 Resolution of Contract Controversies

- a) Authority to Resolve Controversies
The Procurement Officer shall have authority to resolve controversies.
- b) Authority of the OLG
The OLG has the authority to accept delivery of supplies or services in accordance with contract requirements as satisfactory adjustment of a complaint.
- c) Substitution of Terms/Price Reduction
If the vendor proposes to make an adjustment by:
 - 1) substituting an alternative specification, or
 - 2) reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract,
 such proposal must be referred to and approved by the Procurement Officer.

d) Cancellation for Breach of Contract

In any of the following cases the Procurement Officer shall have the right to terminate or rescind any contract entered into under this Part:

- 1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.
- 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the OLG.
- 3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

replace the supplies or services promptly.

4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the OLG such that the vendor cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any of his contracts with the OLG.

5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the Procurement Officer; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

6) Any other breach of contract or other unlawful act by the vendor.

e) Cancellation for Fraud, Collusion, Illegality, Etc.
The OLG may cancel any contract it established if there is sufficient evidence to show that:

1) The contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or

2) The contract conflicts with any statutory provision of the State of Illinois or of the United States.

f) Withholding Money to Compensate State for Damages

If a contract is terminated or rescinded under this Section, the OLG may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.

g) Damages

The damages for which the OLG may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

1) the additional cost of supplies or services bought elsewhere;

2) cost of repeating the procurement procedure;

3) any expenses incurred because of delay in receipt of supplies or services; and

4) any other damages caused by the vendor's breach of contract or unlawful act.

Section 1600.5540 Violation of Statute or Rule

a) Determination that Solicitation or Award Violates Law
If the Purchasing Officer finds that the solicitation or proposed award is in violation of statute or rule, the Purchasing Officer may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.

b) Determination that Contract Violates the Code or this Part
Contracts based on awards or solicitations that were in violation of

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

law shall be terminated at no cost to the OLG unless statute or rule allows the OLG to modify, ratify or take other corrective action.

c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the OLG shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

Section 1600.5550 Protests

a) Protest Resolution by the Procurement Officer
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.

b) Complaint to Procurement Officer
Complainants should seek resolution of their complaints initially with the office that issued the solicitation. Such complaints may be made verbally or in writing.

c) Filing of Protest

1) Protests shall be made in writing to the Procurement Officer, if applicable, and shall be filed within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Procurement Officer. Protests filed after the 7 calendar day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 7 calendar days after the date the solicitation was issued, and in any event must be received by the OLG at the designated address before the date for opening of bids or proposals.

2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:

A) the name and address of the protester;

B) appropriate identification of the procurement and, if a contract has been awarded, its number;

C) a statement of reasons for the protest; and

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.

d) Requested Information; Time for Filing

Any additional information requested by the OLG shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

e) Stay of Procurements During Protest

When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be revoked without penalty and no award made until the protest has been resolved. In either case the Procurement Officer may make the award or reinstate the award upon a determination that the needs of the OLG require an immediate award and performance under the contract.

f) Decision by the Procurement Officer

A decision on a protest shall be made by the Procurement Officer as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.

g) Effect of Judicial or Administrative Proceedings

If an action concerning the protest has commenced in court, the Procurement Officer shall not act on the protest, but shall refer the protest to the Attorney General unless otherwise directed by the Attorney General.

SUBPART P: GOVERNMENTAL JOINT PURCHASING

Section 1600.6500 General

In an effort to make the procurement process more efficient, OLG and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525]. Only the CPO may enter into contracts under the Act when the OLG is a party to the contract.

Section 1600.6510 No Agency Relationship

In any joint procurement situation, the other governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. The State of Illinois shall have no obligation to the vendor for payment of orders placed by other governmental units.

Section 1600.6520 Obligations of Participating Governmental Units

If governmental units determine to use contracts established by the OLG or by CMS on behalf of the OLG, they must:

- a) provide to the CPO a copy of the ordinance or resolution passed by the governing body of the governmental unit giving authority to make purchases from contracts issued by the State of Illinois;
- b) make all purchases under the State contracts for public use only and specifically prohibit personal use or consumption by any individual, public employee or official;

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

- c) make payment to the vendor within 30 days after receipt of supplies or services;
- d) place orders with the supplier directly using their own purchase order forms. A copy of the purchase order must also be sent to the CPO. This copy will be used for statistical purposes and will serve as notice that the governmental unit has complied with the bid action;
- e) inspect all items immediately for compliance with the contract specifications and report to the CPO any failure of suppliers to comply with contract requirements; and
- f) attempt to resolve disputes with the vendor before involving the CPO.

SUBPART Q: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 1600.7000 Severability

If any provision of this Part or any application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

Section 1600.7010 Government Furnished Property

If the OLG provides any property to the vendor in furtherance of the contract, such property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the State.

Section 1600.7015 Inspections

- a) Inspection of Plant or Site
The OLG may enter, or authorize CMS to enter, a vendor's or subcontractor's plant or place of business to:

- 1) inspect supplies or services for acceptance by the State pursuant to the terms of a contract;
- 2) audit the books and records of any vendor or subcontractor pursuant to Section 1600.7020 (Records and Audits) of this Part;
- 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
- 4) determine whether the standards of responsibility have been met or are capable of being met;
- 5) determine if the contract is being performed in accordance with its terms; and
- 6) accomplish any other purpose permitted by law.

b) Inspection and Testing of Supplies and Services

- 1) Solicitation and Contractual Provisions. Contracts of the OLG may provide for the inspection of supplies and services at the vendor's or subcontractor's facility and performance tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract and may be conducted by CMS on behalf of the OLG.

- 2) Procedures for Trial Use and Testing. The Procurement Officers may establish operational procedures, or may rely on such procedures established by CMS, governing the testing and trial use of equipment, material, and other supplies by the OLG, and the application of resulting information and data to specifications or procurements.

c) Conduct of Inspections

- 1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the Procurement Officer may change any provision of the specifications or the contract without written authorization of the Procurement Officer. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.

- 2) Location. When an inspection is made in the plant or place of business of a vendor or subcontractor, such vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

- 3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.

- d) Inspection of Construction Projects
On-site inspection of construction shall be performed in accordance with the terms of the contract.

Section 1600.7020 Records and Audits

a) Retention of Books and Records

Books and records that relate to performance of a contract, including subcontracts, and that support amounts charged to the OLG, shall be maintained:

- 1) by a vendor, for three years from the date of final payment under the prime contract;
- 2) by a subcontractor, for at least three years from the date of final payment under the subcontract; and
- 3) by a vendor and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.

b) Contract Audit

- 1) Types of Contracts Audited. The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and materials contract.
- 2) Situations in which an audit may be warranted include, but are

OFFICE OF THE LT. GOVERNOR
NOTICE OF ADOPTED RULES

not limited to, when a question arises in connection with:

- A) the financial condition, integrity, and reliability of the vendor or subcontractor;
- B) any prior audit experience;
- C) the adequacy of the vendor's or subcontractor's accounting system;
- D) the number or nature of invoices or reimbursement vouchers submitted by the vendor or subcontractor for payment;
- E) the use of federal assistance funds;
- F) the fluctuation of market prices affecting the contract; or
- G) any other situation in which the Procurement Officer finds that such an audit is necessary for the protection of the State's best interest.

Section 1600.7025 Written Determinations

a) Preparation and Execution

When the Code or this Part requires a written determination, the officer required to prepare the determination may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.

b) Content

Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.

c) Obtaining Supporting Information

While an officer is responsible for the execution of the written determination, other State personnel, particularly technical personnel and appropriate personnel in the purchasing agency, are responsible for furnishing to the cognizant official, in an accurate and adequate fashion, the information pertinent to the determination. When requested, such information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.

- d) Forms. The CPO is authorized to prescribe methods and operational procedures to be used in preparing written determinations.

e) Retention

Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of such file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public inspection.

Section 1600.7030 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers:
 - 148.120 Adopted Action:
 - 148.140 Amendment
 - 148.270 Amendment
 - 148.295 Amendment
 - 148.296 Amendment
 - 148.297 Amendment
 - 148.298 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 25, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 17, 1998 (22 Ill. Reg. 12471) and August 14, 1998 (22 Ill. Reg. 14613)
- 10) Has JCAR issued a statement of objections to these amendments? No
- 11) Differences Between Proposal and Final Version:

The following changes have been made in the text of the proposed rulemaking.

Section 148.120

In subsections (k)(3), (4), (5) and (6), "U.S.C. Sec." has been changed to "USC".

In subsection (c)(3), "Department of Alcohol and Substance Abuse (DASA)" has been stricken and "for alcohol and substance abuse rehabilitative care under category of service 35" has been added after "days".

Subsection (c)(3)(E) has been revised to read:

Alcohol and Substance Abuse Days. The Department will utilize its

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

paid claims data under category of service 35 available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided for alcohol and substance abuse rehabilitative care.

In the second sentence of subsection (d), "Department of Mental Health and Developmental Disabilities" has been replaced by "Department of Human Services".

In subsection (k)(3), "this paragraph" has been replaced by "this subsection (k)(3)".

In subsection (k)(5), "this paragraph" has been replaced by "this subsection (k)(5)".

In subsection (k)(10), both occurrences of "state" have been stricken.

Section 148.140

In subsection (b), the comma after "hospitals" has been deleted and "subsection" has been added prior to "(b)(1)".

In subsection (b)(1)(A)(iii), a period has been added at the end of the last sentence.

In subsection (b)(1)(B)(iii), the subsection label "iii)" has been underlined.

In subsection (b)(1)(C), "includes" after "Group 3" has been stricken, "services which" has been changed to "services that" and a comma has been added after "medicine and health".

In subsection (b)(1)(C)(i), "injuries which" has been changed to "injuries that".

In subsection (b)(1)(C)(ii), "but which" has been changed to "but that".

In subsection (b)(1)(C)(iii), "Emergency Levels" has been changed to "Emergency Level".

In the first sentence of subsection (b)(1)(D), "setting which" has been changed to "setting that".

Also in subsection (b)(1)(D), "sixty" has been changed to "60", four occurrences of "thirty-one" have been changed to "31" and two occurrences of "twelve" have been changed to "12". Also, "or more" at the end of this subsection has been moved to precede "of services".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (b)(2), "groups above" has been changed to "groups described in subsection (b)(1)".

In newly labeled subsection (b)(4), the subsection label "4)" has been underlined.

In subsections (c)(2) and (c)(3), "Sections" has been changed to Section" and "148.40(c)(3)" has been changed to "(c)(3)".

In subsection (c)(7), "Sections" has been changed to Section" and "148.25(b)(2)(B)" has been changed to "(b)(2)(B)".

Section 148.295

In subsections (b)(2)(A) and (B), "90" has been changed to "60".

In subsection (d)(5), "subsection" has been changed to "subsections".

In subsection (h), all of the existing language has been stricken and replaced with the following new language:

h) In order to maintain critical hospital access, the Department shall make an additional one time CHAP payment in fiscal year 1999 to hospitals that meet one of the following:

1) A hospital located in HSA six, with a sum critica weighting factor equal to or greater than 37.5 that has a MIUR as defined in Section 148.120(k)(5) that is equal to or greater than 60 percent. Such a hospital shall receive \$10.50 multiplied by the DHA Medicaid days in the CHAP base period.

2) A hospital qualifying under subsection (c)(1)(A) of this Section with the highest number of Medicaid obstetrical care admissions in the CHAP base period. Such a hospital shall receive \$59 multiplied by the DHA Medicaid days in the CHAP base period.

Section 148.296

In subsection (d), "subsection" has been added after "under".

In new subsection (e)(6), the subsection label "6)" has been underlined.

Section 148.297

Subsection (b) has been revised to read, "Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on or after July 1, 1999, but before January 1, 1999:".

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In subsection (c), new language has been added as follows:

c) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on or after January 1, 1999:

1) For out-of-state cost reporting hospitals with an MIUR that is less than 75 percent, the product of:

A) for dates of services occurring on or after January 1, 1999, but before July 1, 1999:

i) the hospital's MIUR plus three, multiplied by

ii) the number of Pediatric Adjustable Outpatient Services, multiplied by

iii) \$185.

B) for dates of services occurring on or after July 1, 1999:

i) the hospital's MIUR plus one and one-half, multiplied by

ii) the number of Pediatric Adjustable Outpatient Services, multiplied by

iii) \$185.

2) For Illinois hospitals with an MIUR that is less than 75 percent, the product of:

A) the hospital's MIUR plus one, multiplied by

B) the number of Pediatric Adjustable Outpatient Services, multiplied by

C) \$185.

3) For Illinois hospitals with an MIUR that is greater than or equal to 75 percent, the product of:

A) one and one-half the hospital's MIUR plus one, multiplied by

B) the number of Pediatric Adjustable Outpatient Services, multiplied by

C) \$185.

The language in previous subsection (c) has been relabeled as subsection (d), the previous subsection (d) has been relabeled as subsection (e), and the previous subsection (e) has been relabeled as subsection (f).

Section 148.298

In the first line of the introductory paragraph, ", on a quarterly basis," has been added after "made".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments:

These amendments to the Department's rules governing reimbursement for hospital services are designed to improve funding for necessary medical care for public assistance recipients. The changes will affect the Critical Hospital Adjustment Payment program (CHAP), the Supplemental Critical Hospital Adjustment Payment program (SCHAP) and pediatric outpatient adjustment payments. The changes also create a new program for pediatric inpatient adjustment payments and provide for outpatient reform. Other changes are being made to Section 148.120 to add clarifications regarding the defining characteristics of a children's hospital; these revisions are necessary companion amendments to similar changes at 89 Ill. Adm. Code 149.50.

For CHAP (Section 148.295), some reimbursement changes will be provided, but any spending increases that result are expected to be offset by a reduction in inpatient services utilization. This decrease in inpatient care is the result of the current trend for shorter inpatient hospitalization stays and increases in the number of outpatient services rendered.

The amendments concerning SCHAP (Section 148.296) will modify qualification criteria to accommodate recently established children's hospitals. These changes are necessary to maintain access to inpatient services and are expected to increase the Department's annual spending for these services by approximately \$5 million.

For pediatric outpatient adjustment payments (Section 148.297), the amendments will result in changes in reimbursements in order to better maintain access to outpatient services provided through children's hospitals. These changes are expected to result in an annual budgetary increase of approximately \$12.2 million.

The amendments also establish a new program for pediatric inpatient adjustment payments (new Section 148.298) for recently established children's hospitals. These changes are necessary because other quarterly adjustment payments for children's hospitals are limited to such hospitals already in existence. These changes will provide reimbursement parity for the new hospitals and are expected to result in an increase in the Department's annual expenditures of approximately \$1.8 million.

Significant changes are being made in Section 148.140 relative to outpatient reform. This plan for outpatient reform is the result of agreements between the Department and an outpatient reform workgroup that included hospital representation. These changes will both increase the number of outpatient billing groups from four to 12, and in the aggregate,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

increase outpatient spending. These revisions are needed to increase the responsiveness of the Department's outpatient reimbursement methodology to the type of procedures being provided, and to cover a higher percentage of a hospital's costs in providing outpatient services. These amendments are expected to result in an annual expenditure of \$70.7 million. Companion amendments on outpatient billing group changes and outpatient reform are also being filed at 89 Ill. Adm. Code 146.125 and 146.130 concerning services provided by ambulatory surgical treatment centers.

The amendments to Section 148.270 concerning hospital services are necessary to augment reimbursement levels for recently established children's hospitals. These changes in payment methodology will provide rate parity between recently established children's hospitals and children's hospitals that existed prior to June 1995. Such older hospitals have rates that were annually increased for medical inflation prior to the implementation of rate maintenance. These changes in payment methodology are mandated by Section 14-8(a)(2) of Public Act 90-588 and are expected to result in an annual expenditure of approximately \$5 million.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

- Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payment (CHAP)
148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12953, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective NOV 25 1998.

Section 148.120 Disproportionate Share Hospital (DSH) Adjustments

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 1993, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 1993, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 1993, the Department shall make adjustment payments to hospitals which are deemed as disproportionate share by the Department. A hospital may qualify for a DSH adjustment in one of the following ways:

- 1) The hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, is at least one half standard deviation above the mean Medicaid utilization rate, as defined in

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- subsection (k)(3) of this Section.
- 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance), Aid to the Medically Indigent (AMI) and/or any local or state government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for GA and AMI inpatient hospital services, and/or any local or state government-funded care) must be added.
- 3) Illinois hospitals that, on July 1, 1991, had a Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, that was at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(3) of this Section, and which were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5, 1989).
- 4) Illinois hospitals that:
- A) Have a Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, which is at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(3) of this Section, and
- B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(6) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(4) of this Section.
- 5) Any children's hospital, as defined in 89 Ill. Adm. Code 149.50(C)(3) which means a hospital devoted exclusively to caring for children, ---A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.
- b) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least 2 obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

nonemergency obstetric services as of December 22, 1987. Hospitals that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.

c) In making the determination described in subsections (a)(1) and (a)(4)(A) above, the Department shall utilize:

1) The hospital's final audited cost report for the hospital's base fiscal year. Medicaid inpatient utilization rates, as defined in subsection (k)(5) of this Section, which have been derived from final audited cost reports, are not subject to the Review procedure described in Section 148.310, with the exception of errors in calculation.

2) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsections (a)(1) and (a)(4)(A) above. Submittal of a corrected cost report in support of subsections (a)(1) and (a)(4)(A) above must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's Medicaid inpatient utilization rate as described in subsection (k)(5) of this Section.

A) Hospital's Medicaid inpatient utilization rates, as defined in subsection (k)(5) of this Section, which have been derived from unaudited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsection (c)(2) above, hospitals shall have the opportunity to submit corrected cost report information prior to the Department's final DSH determination.

B) In the event a subsequent final audited cost report reflects a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report utilized for the DSH determination, the Department shall recalculate the Medicaid inpatient utilization rate based upon the final audited cost report, and recoup any overpayments made.

3) Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, hospital residing long term care days,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

and ~~Department-of--Alcohol--and-Substance-Abuse-(BASA)~~ Medicaid days for alcohol and substance abuse rehabilitative care under category of service 35. To obtain Medicaid utilization levels in these instances, the Department shall utilize:

A) Medicare/Medicaid Crossover Claims.

i) For DSH determination years on or after October 1, 1996, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.

ii) For DSH determination years prior to October 1, 1996, hospitals may submit additional information to document Medicare/Medicaid crossover days that were not billed to the Department due to a determination that the Department had no liability for deductible or coinsurance amounts. That information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. That log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.

B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.

C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.

D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

through the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of hospital residing long term care days provided to recipients.

- E) Alcohol and Substance Abuse BASA Days. The Department will utilize its the--Department's--BASA paid claims data under category of service 35 available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient BASA days provided for alcohol and substance abuse rehabilitative care.

- d) Hospitals may apply for DSH status under subsection (a)(2) of this Section by submitting an audited certified financial statement for the hospital's base fiscal year. The Department of Human Services Mental Health-and-Developmental-Disabilities must submit a statement, signed by the Director of that agency, certifying the accuracy of the data submitted for facilities operated by that agency. The statements must contain the following breakdown of information prior to submittal to the Department for consideration:

- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance, and AMI patients), for the hospital's base fiscal year.
 - 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.
- e) With the exception of cost-reporting children's hospitals in contiguous states that provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in Section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section and as required in Section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the Medicaid inpatient utilization rate from their state may submit an audited certified financial statement as describe in subsection (d) above. Payments to out-of-state hospitals will be allocated using the same method as described in subsection (g) of this Section.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- f) Time Limitation Requirements for Additional Information.

- 1) The information required in subsections (a)(2), (c), (d) and (e) of this Section must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such information for the determination of DSH qualification. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
- 2) The information required in subsection (b) of this Section must be received within 30 calendar days after receipt of notification from the Department that the information must be submitted. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
- g) Inpatient Payment Adjustments to DSH Hospitals. The adjustment payments required by subsection (a) above shall be calculated annually as follows:
 - 1) Five Million Dollar Fund Adjustment for hospitals defined in Section 148.25(b)(1).
 - A) Hospitals qualifying as DSH hospitals under subsection (a)(1) of this Section that have a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, as described in subsection (k)(3) of this Section, and hospitals qualifying as DSH hospitals under subsection (a)(2) of this Section will receive an add-on payment to their inpatient rate.
 - B) The distribution method for the add-on payment described in subsection (g)(1)(A) above is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) above will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.
 - C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, above in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's Medicaid inpatient utilization rate, as described in subsection

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(k)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.

D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) above, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) above, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at per day add-on value. Hospitals qualifying under subsection (a)(2) of this Section, will receive the minimum adjustment of \$5 per inpatient day. The adjustments calculated under this subsection are subject to the limitations described in subsection (j) of this Section.

2) Medicaid Percentage Adjustment for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(b)(1)(A).

A) In addition to the adjustment methodology described in subsection (g)(1) above, all DSH hospitals described in subsections (a)(1), (2), (3), (4), and (5) of this Section shall receive a payment adjustment which shall be calculated annually as follows:

B) The payment adjustment shall be calculated based upon the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, and subject to subsections (h) and (i) below, as follows:

- i) Hospitals with a Medicaid inpatient utilization rate below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
- ii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds the mean Medicaid inpatient utilization rate;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

iii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

iv) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.

C) For a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), the amount calculated pursuant to subsection (g)(2)(B) above shall be increased by \$60 per day.

D) The Medicaid percentage adjustment payment, calculated in accordance with this subsection (g)(2), to a hospital, other than a hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as described in subsection (a)(5) of this Section, and shall not exceed \$215 per day for all other hospitals.

E) The amount calculated pursuant to subsections (g)(2)(B) through (g)(2)(D) above shall be adjusted on October 1, 1993, and annually thereafter by a percentage equal to the lesser of:

i) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or

ii) The percentage increase in the statewide average hospital payment rate, as described in subsection (k)(8) of this Section, over the previous year's statewide average hospital payment rate.

F) The amount calculated pursuant to subsection (g)(1) above for hospitals described in Section 148.25(b)(1)(A) shall be no less than the DSH rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- G) The amount calculated pursuant to subsections (g)(1) and (g)(2)(B) through (g)(2)(E) above, as adjusted pursuant to subsections (h) and (i) below, shall be the inpatient payment adjustment in dollars for the applicable DSH determination year, subject to the limitations described in subsections (g)(2)(D) and (j) of this Section, and the adjustment described in subsection (g)(2)(F) above. The adjustments calculated under subsections (g)(1) and (g)(2)(B) through (g)(2)(F) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- 3) Department of Human Services (DHS) BMHBB State-Operated Facility Adjustment for Hospitals Defined in Section 148.25(b)(6). Department of Human Services ~~Mental-Health-and-Developmental Disabilities-(BMHBB)~~ State-operated facilities qualifying under subsection (a)(2) of this Section shall receive an adjustment for inpatient services provided on or after March 1, 1995. The amount of that payment shall be calculated as follows:

- A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be calculated by subtracting the estimated DSH payment adjustments made under subsection (g)(1) through (g)(2) above and Section 148.170(f)(2) from the aggregate DSH payment adjustment set by the Health Care Financing Administration (HCFA) in accordance with Public Law 102-234.
- B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of Medicaid inpatient utilization (adjusted based upon historical utilization and projected increases in utilization) to the sum of all qualifying hospitals' Medicaid inpatient utilization.
- C) The adjustment calculated in (g)(3)(B) above shall meet the limitation described in subsection (j)(4) below.
- D) The adjustment calculated pursuant to subsection (g)(3)(B) above, for each hospital defined in Section 148.25(b)(6) that qualifies for DSH adjustments, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day adjustment. This amount is subject to the limitations described in subsection (j) of this Section. The adjustment described in this subsection shall be paid on a per diem basis and shall be applied to each Medicaid covered day of care provided.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- h) Inpatient Adjustor for Children's Hospitals. For a children's hospital, as defined in subsection (a)(5) of this Section, the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 2.0.

- i) Inpatient Adjustor for Hospitals Organized Under the University of Illinois Hospital Act. For a hospital and/or hospitals organized under the University of Illinois Hospital Act, as defined in Section 148.25(b)(1)(B), the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 1.50.

- j) DSH Adjustment Limitations.

- 1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the DSH determination year, the hospital discontinues the provision of non-emergency obstetrical care (the provisions of this subsection shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered nonemergency obstetric services as of December 22, 1987). In this instance, the adjustments calculated under subsections (g)(1) and (g)(2) shall cease effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.

- 2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of their eligibility for DSH payment adjustments based upon the requirements of this Section.

- 3) DSH Payment Adjustment. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section do not meet the State's final DSH Allotment as determined by the Health Care Financing Administration (HCFA), DSH payment adjustments calculated under this Section shall be adjusted to meet the State DSH Allotment. This adjustment shall first be applied to DSH payments made under subsection (g)(3) above. If further adjustments are necessary, then DSH payments made under subsection (g)(2) above shall be adjusted, with the DSH payments under subsection (g)(1) of this Section being adjusted last.

- 4) Omnibus Budget Reconciliation Act of 1993 (OBRA '93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of Medicaid payments (inpatient, outpatient, and disproportionate share) made to a hospital exceed the costs of providing services to Medicaid clients and persons without insurance. The adjustments shall reduce disproportionate share

spending until the costs and spending (described in the previous sentence) are equal or until the disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.

- 5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) below, is less than one percent.

k) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:

- 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993 DSH determination year, the hospital's fiscal year ending in 1992 for the October 1, 1994, DSH determination year, etc.

- 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

- 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this subsection (k)(3) paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 4) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(7) below, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(9) below, for all such hospitals. That information shall be derived from claims for

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 5) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this subsection (k)(5) paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 6) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(7) below, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(9) below provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 7) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- and specifically excludes Medicare/Medicaid crossover claims.
- 8) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).
- 9) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (k)(4) and (k)(6) above, means hospital inpatient days, excluding days for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- 10) "Medicaid obstetrical inpatient utilization rate base year" means, for example, state fiscal year 1992 for the October 1, 1993, DSH determination year; state fiscal year 1993 for the October 1, 1994, DSH determination year, etc.

(Source: Amended at 22 Ill. Reg. 21490, effective NOV 25 1998)

Section 148.140 Hospital Outpatient and Clinic Services

a) Fee-For-Service Reimbursement

- 1) Reimbursement for hospital outpatient and--hospital-based--clinic services shall be made on a fee-for-service fee-for-service basis, except for:
- A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) Hospital-Ambulatory-Care-Program as described in subsection (b) of this Section, 7--which--shall be--reimbursed--in--accordance--with--subsections--(b)(4)-and--(b)(6)-of--this-Section--and--adjusted--in--accordance--with--subsections--(b)(4)-and--subsections--(b)(8)-of--this-Section--
- B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section, 7--which--shall be--reimbursed--in--accordance--with--subsections--(c)-of--this-Section--and--adjusted--in--accordance--with--subsections--(c)(4)-and--(c)(5)-of--this-Section--and
- C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), 7--which--shall--be--reimbursed--in--accordance--with--89-III--Adm--Code--140-464(b).
- D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
- 2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
- A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A). Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).
- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.
- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.
- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement reimbursement rates calculated under this Section.

- b) Ambulatory Procedure Listing (APL) Hospital-Ambulatory-Care-Program Effective July 1, 1998, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(b)(1) of this Section ~~Effective--April--17--1986--the Department liberalized the list of allowable ambulatory procedures--to add many surgical--diagnostic--and--highly-technical--treatment--procedures--that can be performed and reimbursed on an ambulatory basis.~~

1) ~~APL Hospital-Ambulatory-Care~~ Groupings

Under the ~~APL Hospital-Ambulatory-Care--Program~~, a ~~Hospital Ambulatory-Care~~ list was developed that defines those technical procedures that require the use of the hospital outpatient or hospital-based-clinic setting, its technical staff or and/or equipment. These procedures are ~~were~~ separated into four separate groupings based upon the complexity and historical costs of the procedures. The ~~four-separate~~ groupings are as follows:

A) ~~Surgical Groups Group-I-procedures-are-high-level-technology surgeries--that--consume--many--hospital--resources--and-are costly-to-deliver.~~

i) ~~Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment.~~

ii) ~~Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment.~~

iii) ~~Surgical group 1(c) consists of low intensity surgical procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons.~~

iv) ~~Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures.~~

B) ~~Diagnostic and Therapeutic Groups Group-II-procedures-are certain-nonsurgical-very-high-level-technology-services recognized-and-approved-by-the-Department-as-safe-outpatient procedures.~~

i) ~~Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician.~~

ii) ~~Diagnostic and therapeutic group 2(b) consists of~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study.

iii) ~~Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician.~~

iv) ~~Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures.~~

C) ~~Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described below. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe. Group III-procedures-are-other-surgical-specialized-cardiac--and-diagnostic-procedures.~~

i) ~~Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function.~~

ii) ~~Emergency Level II refers to Emergency Services that do not meet the above definition of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity.~~

iii) ~~Non-Emergency/Screening level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated above. For such care, the Department will reimburse the hospital either applicable current FFS~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

rates for the services provided or a screening fee, but not both. The reimbursement rate for the screening fee will be the same as the current applicable rate for procedure code 9282 (emergency department visit, as specified in the Physicians Current Procedural Terminology, fourth edition (CPT-4)).

- D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories: at least 60 minutes but less than six hours and 31 minutes of services; at least six hours and 31 minutes but less than 12 hours and 31 minutes of services; or 12 hours and 31 minutes or more of services. Group-IV-procedures-are-specified-treatment-procedures-observation-services-high-risky-and-emergency-room-services.

- E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(2) and the Illinois Medicaid State Plan.

- F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services that are provided by a hospital that is enrolled with the Department to provide inpatient physical rehabilitation services.

- 2) Each of the groups described in subsection (b)(1) will be reimbursed by the Department considering the following: Hospital Ambulatory-Care-First-Update

- A) With the exception of county-owned hospitals located in an Illinois county with a population greater than three million, and hospitals not required to file an annual cost report with the Department, reimbursement rates for each of the reimbursement groups described above shall be the lesser of:

- i) the hospital's charge to the general public; or
- ii) rates established by the Department.

- B) For county-owned hospitals in an Illinois county with a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

population greater than three million, reimbursement rates for each of the reimbursement groups shall be specified by the Department. However, such rates shall be no lower than the rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- C) Reimbursement rates for hospitals not required to file an annual cost report with the Department may be lower than those listed above. Such rates will be specified in the Hospital Handbook.

- D) The rate for each group is all-inclusive for services provided by the hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. The one exception is that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional services of physicians who are salaried by the hospital and who provide Emergency Level I or II services in the emergency department. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care.

The-Hospital-Ambulatory-Care-First-is-updated-periodically-the-technology-changes-so-do-the-procedures-that-fall-into-the-four-categories-in-addition-annual-changes-in-the-ICB-9-CM-procedure-codes-and-their-meanings-necessitate-annual-changes-to-the-Hospital-Ambulatory-Care-First.

- 3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers. Hospital-Ambulatory-Care-Reimbursement-Prior-to-July-17-1995
Reimbursement-for-Hospital-Ambulatory-Care-procedures-was initially developed in 1986-for-each-of-the-four-separate groupings-identified-in-subsection-(b)(1)-of-this-Section-a-set-rate-maximum-has-been-developed-based-upon-the-complexity-of-the procedures-historical-costs-and-teaching-status-of-the hospital-the-type-of-hospital-and-the-setting-in-which-the procedure-would-most-likely-be-performed-(i.e.-outpatient department-general-clinic-department-psychiatric-clinic department-or-physical-rehabilitation-clinic-department)-these set-rate-maximums-have-been-periodically-adjusted-since-1986 based-upon-the-above-factors-Reimbursement-for-Hospital

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Amblatory-Care-procedures-performed-prior-to-July-17-1995--shall be-reimbursed-in--accordance-with-the-statutes-and--administrative rules-governing-the-time-period-when-the-services-were-rendered-
 4) Hospital-Ambulatory-Care-Reimbursement-Effective-July-17-1995 Effective-July-17-1995--reimbursement-for-Hospital-Ambulatory Care-procedures-shall-be-as-follows:

A) With-respect-to-Group-I-procedures-described-in--subsection (b)(1)(A)-of--this-Section--reimbursement-shall-be-at-the lesser-of-charges-or-the-hospital's-alternate-reimbursement rate--as-defined--in-Section-148-270(a)-equivalent-to-the rate-of-a-one-day-inpatient-stay.
 B) With-respect-to-Group-II-procedures-described-in--subsection (b)(1)(B)-of--this-Section--reimbursement-shall-be-at-the lesser-of-charges-or-one-of-two--separate--rate--maximums depending-upon-whether-the-hospital-is-classified-as:

i) A-hospital-defined-in-Section-148-25(b)(2)(A)-through (b)(2)(C)-which-is-a-major-teaching-hospital--as defined-in-Section-148-25(d)--or--a--children's hospital--as--defined-in--89--Ill--Adm--Code 149-50(c)(3)-or
 ii) A-hospital-defined-in-Section-148-25(b)-

E) With-respect-to--the-Group-III-procedures-described--in subsection-(b)(1)(c)-of-this-Section--reimbursement-shall-be at--the-lesser-of--charges--or--one-of-two-separate--rate maximums-depending-upon-whether-the-hospital-is--classified as:
 i) A-hospital-defined-in-Section-148-25(b)(2)(A)-through (b)(2)(C)-which-is-a-major-teaching-hospital--as defined--in--Section-148-25(d)-or--a--children's hospital--as--defined--in--89--Ill--Adm--Code 149-50(c)(3)-or
 ii) A-hospital-defined-in-Section-148-25(b)-

B) With-respect-to--the-Group-IV-procedures-described--in subsection-(b)(1)(d)-of-this-Section--reimbursement-shall-be at--the-lesser-of--charges--or--one-of-six-separate--rate maximums-depending-upon:
 i) Whether-the-hospital-is--classified--as--a--hospital defined--in--Section-148-25(b)(2)(A)-through-(b)(2)(C) which-is-a-major-teaching-hospital--as--defined--in Section--148-25(d)-or--a--children's--hospital--as defined-in--89--Ill--Adm--Code--149-50(c)(3)-or--a hospital-defined-in-Section-148-25(b)-and
 ii) Whether-the-service-is--provided-in-the-outpatient general-clinic--psychiatric-clinic--or--rehabilitation clinic-department:

4)5) County Facility Outpatient Adjustment
 A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

i) "Base Year" means the most recently completed State fiscal year.
 ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
 iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
 iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

5)6) No Year-End Reconciliation
 With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

6)7) Rate Adjustments
 With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(4) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

7) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

8) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.

2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or 148.40(c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).

3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.

5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Section 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement

Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program Managed Care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter base rate shall be calculated as follows:

i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.

iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.

iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

B) Supplemental Rate

i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.

ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

supplemental overhead cost per encounter.
 iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments

Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:

A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except, that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than \$147.09 per encounter.

3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

e) Critical Clinic Providers

1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,
 B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,
 C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,
 D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and
 E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).

4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

days.

(Source: Amended at 22 Ill. Reg. 21490, effective NOV 25 1998)

Section 148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals

- a) Calculation of Alternate Cost Per Diem Rates for All Hospitals
For all hospitals, regardless of the hospital's reimbursement methodology, the Department shall first calculate the hospital's alternate cost per diem rate, as calculated under Section 148.260, derived from the provider's base period cost reports, as described in Section 148.25(g)(1).
- b) Calculation of Payment Rates for Certain Exempt Hospital Units
 - 1) For admissions occurring within the rate period described in Section 148.25(g)(2)(A):
 - A) In the case of a distinct part unit, as described in 89 Ill. Adm. Code 149.50(d), the Department shall divide the hospital's Medicaid charges per diem (identified on adjudicated claims submitted by the provider during the most recently completed fiscal year for which complete data are available) related to the distinct part unit by the hospital's total charge per diem for all claims for the same time period.
 - B) The resulting quotient, as calculated in subsection (b)(1)(A) above, shall be multiplied by the hospital's total operating cost per diem, as calculated in Section 148.260(a)(1)(B).
 - C) The capital related cost per diem, as calculated in Section 148.260(a)(2), is then added to the resulting product calculated in subsection (b)(1)(B) above, subject to the inflation adjustment described in Section 148.260(c)(1).
 - D) Subject to the provisions of subsections (b)(1)(E) and (b)(1)(F) below, the final distinct part unit payment rate shall be the lower of:
 - i) The result of the calculations described in subsections (b)(1)(A) through (b)(1)(B) above; or
 - ii) The hospital's alternate cost per diem rate, as calculated in subsection (a) above.
 - E) In no case shall the hospital's final distinct part unit payment rate be greater than three standard deviations above the mean distinct part unit payment rate.
 - F) In the case of a new distinct part unit for which the Department has insufficient adjudicated claims history data available, the Department shall utilize the average payment rate calculated under this subsection (b)(1) for like

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

distinct part units.

- 2) For admissions occurring within a rate period described in Section 148.25(g)(2)(B), the distinct part unit payment rate shall be the distinct part unit payment rate in effect on June 30, 1993, as calculated under subsection (b)(1) above, updated to the midpoint of the current rate period, using the TEFR price inflation factor.
- c) In the case of a new hospital (not previously owned or operated), a hospital that has significantly changed its case-mix profile (e.g., a general acute care hospital changing its case-mix to reflect a predominance of long term care patients), or an out-of-state non cost-reporting hospital, reimbursement for inpatient services shall be as follows:
 - 1) For general acute-care hospitals, reimbursement for inpatient services shall be at the average payment rate calculated under subsection (a) or (b) above, as applicable, for those hospitals reimbursed under 89 Ill. Adm. Code 149.
 - 2) For psychiatric hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(1), reimbursement for inpatient psychiatric services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(1).
 - 3) For rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), reimbursement for inpatient rehabilitation services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(2).
 - 4) For long term stay hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(4), reimbursement for inpatient services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(4).
 - 5) For children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3), reimbursement for inpatient services:
 - A) provided before August 1, 1998, shall be at the average rate calculated under subsection (a) above for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(3);
 - B) provided on or after August 1, 1998, for a children's hospital that was licensed as such by a municipality after June 30, 1995, shall be equal to the average rate calculated in Section 148.280 for children's hospitals in existence before June 30, 1995, with an average length of stay that was less than 14 days as determined from the hospital's fiscal year 1994 cost report.

(Source: Amended at 22 Ill. Reg. 21490, effective NOV 25 1998)

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998 through 1999, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).

A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$21,365 \$97,900 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) above, shall receive an adjustment of \$14,165 \$27,500 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565 \$97,900 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565 \$97,900 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$4,595 \$37,800 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$250,000 in the CHAP rate period.

B) Hospitals with 60 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$575,000 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.

1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:

A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.

B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

2) Be a hospital located in HSA six, excluding psychiatric and

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:

A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:

i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.

ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.

iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.

iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

vi) Hospitals that on the last day of June preceding the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

vii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

viii) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

C) Is a hospital with 3,200 or more total Medicaid admissions in the CHAP base period.

3) Be a hospital qualifying under subsection (c)(2) above that has the highest number of Medicaid obstetrical care admissions in the CHAP base period ~~which are equal to or greater than 77400~~.

4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

- 5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment

Calculation of the DHA is as follows:

- 1) Hospitals qualifying under subsection (c)(1)(A) above shall receive a DHA of \$60 multiplied by the DHA Medicaid days in the CHAP base period.
- 2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive a DHA of \$30 multiplied by the DHA Medicaid days in the CHAP base period.
- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20 multiplied by the DHA Medicaid days in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10 multiplied by the DHA Medicaid days in the CHAP base period.
- 5) Hospitals qualifying under subsections (c)(2)(A) and (c)(2)(B) of this Section will receive an additional \$20 multiplied by DHA Medicaid days in the CHAP base period.
- 6) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65 multiplied by the DHA Medicaid days in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.

e) Rural Critical Hospital Adjustment Payments (RCHAP)

Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$400,000 per year. The Department shall also make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:

- 1) the product of \$1,490 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$150 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

- f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), (d) and (e) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.

g) Critical Hospital Adjustment Limitations

Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

- h) In order to maintain critical hospital access, the Department shall make an additional one time CHAP payment in fiscal year 1999 to hospitals that meet one of the following: certain hospitals as determined by the Director may receive a CHAP payment for the CHAP rate period ending on June 30, 1998, in an amount determined by the Director.

- 1) A hospital located in HSA six, with a sum critical weighting factor equal to or greater than 37.5 that has an MIUR as defined in Section 148.120(k)(5) that is equal to or greater than 60 percent. Such a hospital shall receive \$10.50 multiplied by the DHA Medicaid days in the CHAP base period.

- 2) A hospital qualifying under subsection (c)(1)(A) of this Section with the highest number of Medicaid obstetrical care admissions in the CHAP base period. Such a hospital shall receive \$59 multiplied by the DHA Medicaid days in the CHAP base period.

i) Critical Hospital Adjustment Payment Definitions

The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

- 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
- 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- following year.
- 3) "Cost per day at 80 percent occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
 - 4) "Medicaid general care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
 - 5) "Medicaid inpatient day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
 - 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
 - 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (i)(6) above.
 - 8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.
 - 9) "Medicaid psychiatric days", as used in subsection (i)(18) below,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 21.
- 10) "Medicaid rehabilitation days", as used in subsection (i)(18) below, means hospital inpatient days for the Supplemental CHAP base that are billed to the Department with a category of service 22.
 - 11) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.
 - 12) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
 - 13) "CHAP base period" means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.
 - 14) "RCHAP general care admission" means Medicaid General Care Admissions, as defined in subsection (i)(4) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
 - 15) "RCHAP obstetrical care admissions" means Medicaid General Care Admissions, as defined in subsection (i)(4) above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in the CHAP base period.
 - 16) "Total Medicaid admissions" means hospital inpatient admissions

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.

17) "Total Medicaid days" means hospital inpatient days for the CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover admissions.

18) "DMA Medicaid days" means total Medicaid days that include Medicaid psychiatric days and Medicaid rehabilitation days for the CHAP base period multiplied by a factor of two.

(Source: Amended at 22 Ill. Reg. 21490, effective NOV 25 1998)

Section 148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)

Supplemental Critical Hospital Adjustment Payments (SCHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), hospitals described in 89 Ill. Adm. Code 149.50(c)(1), (c)(2) or (c)(4), and hospitals described in Section 148.120(j)(5) not meeting the criteria in subsection (a)(3) or (a)(8) below with a Medicaid inpatient utilization rate that is less than 80 percent, for inpatient admissions occurring on or after July 1, 1998 1997, in accordance with this Section.

a) To qualify for payments under this Section, a hospital must be located in Health Service Area (HSA) 6 or HSA 11 and satisfy one of the following criteria during the Supplemental CHAP base period:

- 1) A hospital's:
 - A) Medicaid obstetrical care admissions are greater than or equal to the mean number of Medicaid obstetrical care admissions for all hospitals located within the same health facilities planning area,
 - B) Total critical weighting factor is greater than or equal to the mean total critical weighting factors of all hospitals located within the same HSA, and
 - C) Medicaid Inpatient Utilization Rate (MIUR) is greater than or equal to the mean MIUR of all hospitals located within the same HSA.

2) A hospital has:

- A) 3900 or more total Medicaid admissions,
 - B) an occupancy percentage rate greater than the mean occupancy percentage rate, as defined by the Department of Public Health, of all hospitals within the same HSA, and
 - C) an MIUR greater than or equal to 50 55 percent.
- 3) A hospital is a children's hospital, as defined in Section 148.120(a)(5), and has an MIUR greater than or equal to 80

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

percent.

4) A hospital is located in a health facilities planning area where all hospitals also are located in a Health Professional Shortage Area (HPSA), as designated in the Federal Register for the Supplemental CHAP base period, and has the greatest number of Medicaid obstetrical care admissions among all hospitals within that same health facilities planning area.

5) A hospital provides at least 900 Medicaid obstetrical admissions and possesses an MIUR that is greater than or equal to 70 percent.

6) A hospital has an MIUR that is greater than or equal to 75 percent.

7) A hospital with a level II perinatal center with an average length of stay that is less than 4.6 days and a cost to day ratio of \$650 or less, as described in Section 148.295(c)(2)(A)(viii).

8) A children's hospital, as described at 89 Ill. Adm. Code 149.50(c)(3) with 4500 or more total Medicaid admissions during the Supplemental CHAP base period.

b) The Department will make payments during the CHAP rate period to qualifying SCHAP hospitals under the following methodology.

1) For hospitals qualifying under subsection (a)(1) above that are located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by:

- A) \$620 for hospitals that:
 - i) have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 6, and
 - ii) have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 6.

B) \$615 for hospitals that:

- i) have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 6, and
- ii) have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 6.

C) \$610 for hospitals that:

- i) have an MIUR that is greater than or equal to, but less than one-half standard deviation above, the mean MIUR of all hospitals within HSA 6, and
- ii) have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above, the mean total critical weighting

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

factor of all hospitals within HSA 6.

- 2) For hospitals qualifying under subsection (a)(1) above that are located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by:

- A) \$835 for hospitals that:
 - i) have an MIUR that is greater than or equal to one standard deviation above the mean MIUR of all hospitals within HSA 11, and
 - ii) have a total critical weighting factor that is greater than or equal to one standard deviation above the mean of the total critical weighting factor for all hospitals within HSA 11.

- B) \$775 for hospitals that:

- i) have an MIUR that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean MIUR of all hospitals within HSA 11, and
- ii) have a total critical weighting factor that is greater than or equal to one-half standard deviation, but less than one standard deviation, above the mean total critical weighting factor of all hospitals within HSA 11.

- C) \$700 for hospitals that:

- i) have an MIUR that is greater than or equal to, but less than one-half standard deviation above, the mean MIUR of all hospitals within HSA 11, and
- ii) have a total critical weighting factor that is greater than or equal to, but less than one-half standard deviation above, the mean total critical weighting factor of all hospitals within HSA 11.

- 3) For hospitals qualifying under subsection (a)(2) above, the payment shall equal the product of the total Medicaid admissions multiplied by \$375.

- 4) For hospitals qualifying under subsection (a)(3) above, the payment shall equal the product of the total Medicaid days multiplied by \$125.

- 5) For hospitals qualifying under subsection (a)(4) above, the payment shall equal the product of the total Medicaid days multiplied by \$99.50.

- 6) For hospitals qualifying under subsection (a)(5) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$875.

- 7) For hospitals qualifying under subsection (a)(5) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$835.

- 8) For hospitals qualifying under subsection (a)(6) above and located in HSA 6, the payment shall equal the product of the total Medicaid admissions multiplied by \$420.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 9) For hospitals qualifying under subsection (a)(6) above and located in HSA 11, the payment shall equal the product of the total Medicaid admissions multiplied by \$400.

- c) A hospital may only receive payments under one of the payment methodologies described in subsection (b) above. In the event that a hospital qualifies under more than one criterion under subsection (a) of this Section, the Department will reimburse the hospital using the payment methodology that allows the largest payment.

- d) For any hospital that meets any of the payment criteria under subsection (b) above, the Department will increase the SCHAP payment if, during the Supplemental CHAP base period, a hospital meets either or both of the conditions under subsection (d)(1) or (d)(2) below.

- 1) A hospital has:

- A) Medicaid obstetrical care admissions greater than or equal to the mean number of Medicaid obstetrical care admissions of all hospitals located in the qualifying hospital's HSA,
- B) a total critical weighting factor that is greater than or equal to the mean total critical weighting factor of all hospitals located in the qualifying hospital's HSA, and
- C) an MIUR greater than or equal to the mean MIUR of all hospitals located in the qualifying hospital's HSA.

- 2) A hospital has an MIUR greater than or equal to 70 percent.

- e) Additional SCHAP payments shall be paid under the following methodologies:

- 1) For hospitals qualifying under subsection (d)(1) above and located in HSA 6, the payment shall equal the product of \$40 multiplied by the hospital's total SCHAP admissions.

- 2) For hospitals qualifying under subsection (d)(1) above and located in HSA 11, the payment shall equal the product of \$405 multiplied by the hospital's total SCHAP admissions.

- 3) For hospitals qualifying under subsection (d)(2) above and located in HSA 6, the payment shall equal the product of \$185 multiplied by the hospital's total SCHAP admissions.

- 4) For hospitals qualifying under subsection (d)(2) above and located in HSA 11, the payment shall equal the product of \$330 multiplied by the hospital's total SCHAP admissions.

- 5) For hospitals qualifying under subsection (a)(7) above, an additional payment shall be made that equals the product of \$150 multiplied by the number of DHA days in the Supplemental CHAP base period.

- 6) For hospitals qualifying under subsection (a)(8) above, an additional payment shall be made that equals the product of \$435 multiplied by the total Medicaid admissions in the Supplemental CHAP base period.

- f) SCHAP payments under this Section shall be paid on a quarterly basis.

- g) Definitions:

- 1) "Supplemental CHAP base period" means services provided during State Fiscal Year 1995 and adjudicated by the Department by June

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 30, 1996.
- 2) "CHAP rate period", as used in this Section, has the same meaning as defined in Section 148.295(h)(2).
 - 3) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as defined in Section 148.120(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
 - 4) "Medicaid obstetrical care admissions", as used in this Section, has the same meaning as defined in Section 148.295(h)(8) for the Supplemental CHAP base period.
 - 5) "Medicaid psychiatric admissions", as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 21.
 - 6) "Medicaid rehabilitation admissions", as used in subsection (g)(10) below, means hospital inpatient admissions for the Supplemental CHAP base that are billed to the Department with a category of service 22.
 - 7) "Total critical weighting factor", as used in this Section, has the same meaning as "sum of the critical weighting factors" as defined in Section 148.295(c)(2)(A) for the Supplemental CHAP base period.
 - 8) "Total Medicaid admissions" means hospital inpatient admissions for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns and Medicare/Medicaid crossover admissions.
 - 9) "Total Medicaid days" means hospital days for the Supplemental CHAP base period for recipients of medical assistance under Title XIX of the Social Security Act, excluding days for normal newborns and Medicare/Medicaid crossover days.
 - 10) "Total SCHAP admissions" means total Medicaid admissions that include Medicaid psychiatric admissions and Medicaid rehabilitation admissions for the Supplemental CHAP base period multiplied by a factor of two.

(Source: Amended at 22 Ill. Reg. 21490, effective NOV 25 1998)

Section 148.297 Pediatric Outpatient Adjustment Payments

Pediatric Outpatient Adjustment Payments shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for outpatient services occurring on or after July 1, 1998 ~~1997~~, in accordance with this Section.

- a) To qualify for payments under this Section, a hospital must:
- 1) be a children's hospital, as defined in 89 Ill. Adm. Code

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 149.50(c)(3), and
- 2) have a Pediatric Medicaid Outpatient Percentage greater than 80 percent during the Pediatric Outpatient Adjustment Base Period.
- b) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on or after July 1, 1998, but before January 1, 1999:
 - 1) For hospitals with a Medicaid Inpatient Utilization Rate (MIUR) that is less than 75 percent, the product of:
 - A) the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) \$185\$79.
 - 2) For hospitals with an MIUR that is greater than or equal to 75 percent, the product of:
 - A) one and one-half the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) \$185\$79.
- c) Hospitals qualifying under this Section shall receive the following amounts for the Pediatric Outpatient Adjustment Rate Year for dates of services occurring on or after January 1, 1999:
 - 1) For out-of-state cost reporting hospitals with an MIUR that is less than 75 percent, the product of:
 - A) for dates of services occurring on or after January 1, 1999, but before July 1, 1999:
 - i) the hospital's MIUR plus three, multiplied by
 - ii) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - iii) \$185.
 - B) for dates of services occurring on or after July 1, 1999:
 - i) the hospital's MIUR plus one and one-half, multiplied by
 - ii) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - iii) \$185.
 - 2) For Illinois hospitals with an MIUR that is less than 75 percent, the product of:
 - A) the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) \$185.
 - 3) For Illinois hospitals with an MIUR that is greater than or equal to 75 percent, the product of:
 - A) one and one-half the hospital's MIUR plus one, multiplied by
 - B) the number of Pediatric Adjustable Outpatient Services, multiplied by
 - C) \$185.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

psychiatric and physical rehabilitation days, provided to children under 18 years of age during the adjustment base year, multiplied by \$890 per day.

- b) The calculation under subsection (a) of this Section may not exceed more than 850 days.
- c) For the purposes of calculating payments under this Section, the adjustment base year shall be psychiatric and physical rehabilitation days of care provided by the portion of the hospital that the Department does not recognize as a children's hospital. Such days include those provided in State fiscal year 1997 and adjudicated by the Department through March 31, 1998.

(Source: Added at 22 Ill. Reg. effective NOV 25 1998, 21490)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

d) In addition to the reimbursement rates described in subsection (b) above, hospitals that have an MIUR that is greater than or equal to 80 percent shall receive an additional \$250,000 \$500,000 during the Pediatric Outpatient Adjustment Rate Year.

e) Adjustments under this Section shall be paid on a quarterly basis.

f) Definitions

- 1) "Medicaid Inpatient Utilization Rate (MIUR)", as used in this Section, has the same meaning as ascribed in Section 148.120(k)(5), in effect for the rate period October 1, 1996, through September 30, 1997.
- 2) "Pediatric Adjustable Outpatient Services" means the number of outpatient services, excluding procedure code 0080, adjudicated through a UB92 billing form and grouped through the Hospital Ambulatory Care Groupings, as defined in Section 148.140(b)(1), during the Pediatric Outpatient Adjustment Base Period. For a hospital, which includes a facility devoted exclusively to caring for children, that is separately licensed as a hospital by a municipality, Pediatric Adjustment Outpatient Services will include psychiatric services (categories of service 27 or 28) for children less than 18 years of age, that are billed through the affiliated general care hospital.
- 3) "Pediatric Medicaid Outpatient Percentage" means a percentage that results from the quotient of the total Pediatric Adjustable Outpatient Services for persons less than 18 years of age divided by the total Pediatric Adjustable Outpatient Services for all persons, during the Pediatric Outpatient Adjustment Base Period.
- 4) "Pediatric Outpatient Adjustment Base Period" means all services billed to the Department, excluding procedure code 0080, with State Fiscal Year 1996 dates of service that were adjudicated by the Department on or before March 31, 1997.
- 5) "Pediatric Outpatient Adjustment Rate Year" means State Fiscal Year 1998 and each State Fiscal Year thereafter.

(Source: Amended 22 Ill. Reg. effective NOV 25 1998, 21490)

Section 148.298 Pediatric Inpatient Adjustment Payments

Pediatric Inpatient Adjustment Payments shall be made, on a quarterly basis, to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient services occurring on or after July 1, 1998, in accordance with this Section.

- a) To qualify for payments under this Section, a hospital must be a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), that was licensed by a municipality on or before December 31, 1997. Hospitals qualifying under this Section shall receive an adjustment for inpatient services equal to the product of the hospital's

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Plumbing Code

2) Code Citation: 77 Ill. Adm. Code 890

3) Section Numbers: Adopted Action:

- | | |
|------------------------|-----------|
| 890.120 | Amendment |
| 890.210 | Amendment |
| 890.230 | Amendment |
| 890.430 | Amendment |
| 890.520 | Amendment |
| 890.630 | Amendment |
| 890.640 | Amendment |
| 890.650 | Amendment |
| 890.680 | Amendment |
| 890.810 | Amendment |
| 890.1130 | Amendment |
| 890.1140 | Amendment |
| 890.1150 | Amendment |
| 890.1210 | Amendment |
| 890.1230 | Amendment |
| 890.Appendix A-Table A | Amendment |
| 890.Appendix A-Table B | Amendment |
| 890.Appendix A-Table M | Amendment |
| 890.Appendix A-Table N | Amendment |
| 890.Appendix A-Table O | Amendment |
| 890.Appendix A-Table P | Amendment |

4) Statutory Authority: Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35].

5) Effective Date of Amendments: December 1, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: April 10, 1998; 22 Ill. Reg. 6513

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version: In Section 890.630(e), "hot or tempered and cold" was changed to "hot and cold or only

ILLINOIS REGISTER 21541 98
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

tempered".

In Section 890.640(c)(1)(2)(3), conditions were listed where bathtub liners inserts are permissible.

In Section 890.1210(a), examples, such as wrap-on insulation or heat tape tracer line or wire, were named as materials to be used for the protection of pipes installed outside of a building or in an exterior wall.

In Section 890.Appendix A, Table B, Footnote 9 was changed to read "sleeping" rooms; Footnote 10, "Businesses which sell motor fuel but do not have any employees working as attendants are not required to provide public restrooms." was added.

In Section 890.Appendix A, Table M, "or the community public water supply" was inserted after the word "government".

In Section 890.Appendix A, Tables N and O, Agency Notes, 1 "or the community public water supply" was inserted after the word "government" and, 2 "or community public water supply requirements" was inserted after the word "ordinances".

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee have been made as indicated in the agreement letter issued by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking establishes new definitions and corrects the address of a national testing agency. Additional materials have been added for safe pan construction along with materials not acceptable for trench drains or interceptors used for the discharge of gas and oil substances. In addition, the rulemaking permits the use of tempered water, removes the requirement for all lavatories in public areas to have self-closing faucets, and allows the use of bathtub liners. Child/juvenile water closets will no longer be required within child care facilities licensed by the Department of Children and Family Services. Relief valves may be substituted in lieu of expansion tanks for manufactured homes. The rulemaking prohibits the installation of water lines where they may freeze and requires all receptors receiving indirect waste to be in the same room as the unit discharging such wastes. The table of materials for water service pipe and water distribution pipe has been modified to prohibit specified materials in certain areas. The prohibition of 1.6 gpf water closets for only single family residential

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

use has been removed. The required number of water fountains for mercantile units, malls, and stores has been reduced, and the requirement to count sillcocks as water supply fixture units is being eliminated.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. Devito
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
(E-mail:rules@dph.state.il.us).

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 890

ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section	
890.110	General Regulations
890.120	Definitions
890.130	Incorporation by Reference
890.140	Repairs and Alterations
890.150	Workmanship
890.160	Used Plumbing Material, Equipment, Fixtures
890.170	Sewer and/or Water Required
890.180	Sewer and Water Pipe Installation
890.190	Piping Measurements
890.200	Operation of Plumbing Equipment

SUBPART B: PLUMBING MATERIALS

Section	
890.210	Materials
890.220	Identification
890.230	Safe Pan Material

SUBPART C: JOINTS AND CONNECTIONS

Section	
890.310	Tightness
890.320	Types of Joints
890.330	Special Joints
890.340	Use of Joints
890.350	Unions
890.360	Water Closet and Pedestal Urinal
890.370	Prohibited Joints and Connections in Drainage Systems
890.380	Increases and Reducers

SUBPART D: TRAPS AND CLEANOUTS

Section	
890.410	Traps
890.420	Pipe Cleanouts
890.430	Cleanout Equivalent
890.440	Acid-Proof Traps

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

Grease Interceptor Requirements
 Gasoline, Oil and Flammable Liquids
 Sand, Bottle and Slaughter Houses
 Laundries
 Backwater Valves - Sanitary System and Storm System

SUBPART F: PLUMBING FIXTURES

General Requirements - Material and Design
 Overflows
 Installation
 Prohibited Fixtures
 Water Closets
 Urinals
 Strainers and Fixture Outlets
 Lavatories
 Shower Receptors and Compartments
 Sinks
 Food Waste Disposal Units
 Drinking Fountains
 Floor Drains
 Kidney Dialysis Machines
 Whirlpool Bathtubs
 Pressure Type Water Treatment Units
 Dishwashing Machines
 Garbage Can Washers
 Laundry Trays and Drains
 Special Fixtures and/or Items Designed for a Particular Purpose
 Minimum Number of Plumbing Fixtures

SUBPART G: HANGERS, ANCHORS AND SUPPORTS

Hangers, Anchors and Supports
 Vertical Piping
 Horizontal Piping

SUBPART H: INDIRECT WASTE PIPING, SPECIAL WASTE

Indirect Waste Piping
 Material and Size
 Length and Grade
 Air Gaps

Section
 890.510
 890.520
 890.530
 890.540
 890.550

Section
 890.610
 890.620
 890.630
 890.640
 890.650
 890.660
 890.670
 890.680
 890.690
 890.700
 890.710
 890.720
 890.730
 890.740
 890.750
 890.760
 890.770
 890.780
 890.790
 890.800
 890.810

Section
 890.910
 890.920
 890.930

Section
 890.1010
 890.1020
 890.1030
 890.1040

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Receptors
 Special Wastes and Chemical Wastes

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section
 890.1110
 890.1120
 890.1130
 890.1140
 890.1150
 890.1160
 890.1170
 890.1180
 890.1190
 890.1200
 890.1210
 890.1220
 890.1230
 890.1240

Quality of Water Supply
 Color Code
 Protection of Potable Water
 Special Applications and Installations
 Water Service Pipe Installation
 Potable Water Pumping and Storage Equipment
 Potable Water Supply Tanks and Auxiliary Pressure Tanks
 Flushing/Disinfection of Potable Water System
 Water Supply Control Valves and Meter
 Water Service Sizing
 Design of a Building Water Distribution System
 Hot Water Supply and Distribution
 Safety Devices
 Miscellaneous

SUBPART J: DRAINAGE SYSTEM

Section
 890.1310
 890.1320
 890.1330
 890.1340
 890.1350
 890.1360
 890.1370
 890.1380

Materials
 Drainage System Installation
 Drainage Fixture Units (D.F.U.)
 Determination of Sizes for Drainage System
 Offsets in Drainage Piping
 Sanitary Wastes Below Sewer
 Floor Drains
 Storm Water Drainage Within a Building

SUBPART K: VENTS AND VENTING

Section
 890.1410
 890.1420
 890.1430
 890.1440
 890.1450
 890.1460
 890.1470
 890.1480
 890.1490
 890.1500
 890.1510
 890.1520

Materials
 Stack Vents, Vent Stacks, Main Vents
 Vent Terminals
 Vent Terminal Size
 Vent Grades and Connections
 Fixtures Back-to-Back
 Fixture Trap Vents
 Types of Fixture Trap Vents
 Installation of Vents for Fixture Traps
 Installation of Wet Venting
 Stack Venting
 Circuit and Loop Venting

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

890.1530	Pneumatic Ejectors
890.1540	Relief Vents
890.1550	Offsets at an Angle Less than 45 Degrees from the Horizontal in Buildings of Five or More Stories
890.1560	Main Vents to Connect at Base
890.1570	Vent Headers
890.1580	Size and Length of Vents
890.1590	Combination Waste and Vent (Floor and Hub Drains Only)
890.1600	Special Venting for Island Fixtures

SUBPART L: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section	General Requirements
890.1710	Water Closets
890.1720	Urinals
890.1730	Combination Lavatory/Toilet
890.1740	Service Sinks/Lavatory
890.1750	Sinks
890.1760	Cabinet Showers
890.1770	Flush Valves
890.1780	Soap Dishes
890.1790	Floor Drains
890.1800	

SUBPART M: INSPECTIONS, TESTS, MAINTENANCE, AND ADMINISTRATION

Section	Inspections
890.1910	Testing of Plumbing Systems
890.1920	Test Methods
890.1930	General Administration
890.1940	Violations
890.1950	

APPENDIX A	Plumbing Materials, Equipment, Use Restrictions and Applicable Standards
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TABLE A	Approved Materials and Standards
	Approved Building Drainage/Vent Pipe
	Approved Materials for Building Sewer
	Approved Materials for Water Service Pipe
	Approved Materials for Water Distribution Pipe
	Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings
	Approved Standards for Plumbing Appliances/Appurtenances/Devices
	Approved Standards for Fittings

TABLE B	Minimum Number of Plumbing Fixtures
TABLE C	Minimum Air Gaps for Plumbing Fixtures
TABLE D	Minimum Water Distribution Pipe Size
TABLE E	Drainage Fixture Units (D.F.U.) Per Fixture Group

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TABLE F	Fixtures Not Listed in Table E
TABLE G	Building Drains
TABLE H	Horizontal Fixture Branches and Stacks
TABLE I	Allowed Distance from Fixture Trap to Vent
TABLE J	Size of Vent Stacks
TABLE K	Size and Length of Vents
TABLE L	Horizontal Circuit and Loop Vent Sizing Table
TABLE M	Load Values Assigned to Fixtures
TABLE N	Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks
TABLE O	Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer
TABLE P	Demand at Individual Water Outlets
TABLE Q	Allowance in Equivalent Length of Pipe for Friction Loss in Valves and Fittings

APPENDIX B Illustrations for Subpart A

ILLUSTRATION A	Air Gap Drawing #1
ILLUSTRATION B	Air Gap Drawing #2
ILLUSTRATION C	Battery of Fixtures
ILLUSTRATION D	Branch
ILLUSTRATION E	Branch Vent
ILLUSTRATION F	Building Drain
ILLUSTRATION G	Building Sub-drain
ILLUSTRATION H	Circuit Vent
ILLUSTRATION I	Common Vent
ILLUSTRATION J	Continuous Vent
ILLUSTRATION K	Dead End
ILLUSTRATION L	Drain
ILLUSTRATION M	Fixture Drain
ILLUSTRATION N	Flush Valve
ILLUSTRATION O	Grade
ILLUSTRATION P	Horizontal Branch
ILLUSTRATION Q	Main Vent
ILLUSTRATION R	Quarter Bend
ILLUSTRATION S	Relief Vent
ILLUSTRATION T	Return Offset
ILLUSTRATION U	Revent Pipe
ILLUSTRATION V	Stack Vent
ILLUSTRATION W	Trap
ILLUSTRATION X	Vent Stack
ILLUSTRATION Y	Wet Vent
ILLUSTRATION Z	Yoke Vent
ILLUSTRATION AA	Sleeves

APPENDIX C Illustrations for Subpart C

ILLUSTRATION A	Caulked Joints
ILLUSTRATION B	Flared Joints
ILLUSTRATION C	Positions of Application for Compression Type Joints
APPENDIX D	Illustrations for Subpart D

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION A Fixture Traps
ILLUSTRATION B Distance of Trap to Fixture
ILLUSTRATION C Types of Traps
ILLUSTRATION D Trap Cleanouts
ILLUSTRATION E Prohibited Traps
ILLUSTRATION F Underground Drainage
ILLUSTRATION G Concealed Piping
ILLUSTRATION H Cleanout Clearance
APPENDIX E Illustrations for Subpart E
ILLUSTRATION A Grease Interceptor
ILLUSTRATION B Typical Grease Interceptor/Catch Basin
ILLUSTRATION C Interceptor/Separator Vents
ILLUSTRATION D Interceptors for Bottling Plants
ILLUSTRATION E Laundry Interceptors
ILLUSTRATION F Backwater Valve Location
APPENDIX F Illustrations for Subpart F
ILLUSTRATION A Prohibited Fixtures
ILLUSTRATION B Circular Wash Sinks
ILLUSTRATION C Commercial Type Grinder #1
ILLUSTRATION D Commercial Type Grinder #2
ILLUSTRATION E Protective Guard
ILLUSTRATION F Trap and Strainer
APPENDIX G Illustrations for Subpart G
ILLUSTRATION A Cast Iron Soil Pipe Support #1
ILLUSTRATION B Cast Iron Soil Pipe Support #2
ILLUSTRATION C Horizontal Piping Support
ILLUSTRATION D Cast Iron Soil Stack Support
APPENDIX H Illustrations for Subpart H
ILLUSTRATION A Indirect Waste Piping #1
ILLUSTRATION B Indirect Waste Piping #2
ILLUSTRATION C Indirect Waste Piping #3
ILLUSTRATION D Indirect Waste Piping #4
ILLUSTRATION E Indirect Waste Connection
ILLUSTRATION F Air Gaps
APPENDIX I Illustrations for Subpart I
ILLUSTRATION A Cross Connection #1
ILLUSTRATION B Cross Connection #2
ILLUSTRATION C Cross Connection #3
ILLUSTRATION D Flushometer Valve
ILLUSTRATION E Underground Water Piping #1
ILLUSTRATION F Underground Water Piping #2
ILLUSTRATION G Underground Water Piping #3
ILLUSTRATION H Water Supply Control
ILLUSTRATION I Shut-off Valve at Meter
ILLUSTRATION J Separate Controls for Each Family Unit
ILLUSTRATION K Shut-off Valves in Buildings Other Than Dwellings
ILLUSTRATION L Typical Gas Water Heater
ILLUSTRATION M Typical Electric Water Heater

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION N P & T Valve Installed in Hot Outlet Line
ILLUSTRATION O P & T Relief Valve
APPENDIX J Illustrations for Subpart J
ILLUSTRATION A Dead Ends
ILLUSTRATION B Horizontal to Vertical Change of Direction
ILLUSTRATION C Horizontal to Horizontal Change of Direction
ILLUSTRATION D Vertical to Horizontal Change of Direction
ILLUSTRATION E Fixture Connections
ILLUSTRATION F Waste Stacks
ILLUSTRATION G Offsets on Drainage Piping
ILLUSTRATION H Relief Vent
ILLUSTRATION I Above Highest Branch
ILLUSTRATION J Below Lowest Branch
ILLUSTRATION K Drainage Below Sewer Level
ILLUSTRATION L Sanitary Wastes Below Sewer
APPENDIX K Illustrations for Subpart K
ILLUSTRATION A Installation of Vent Stack or Main Vent
ILLUSTRATION B Terminal
ILLUSTRATION C Main Stack
ILLUSTRATION D Roof Garden
ILLUSTRATION E Location of Vent Terminal
ILLUSTRATION F Grade
ILLUSTRATION G Vertical Rise
ILLUSTRATION H Height Above Fixtures
ILLUSTRATION I Quarter Bends
ILLUSTRATION J Heel or Side-Inlet
ILLUSTRATION K Fixtures Back-to-Back and Side-by-Side
ILLUSTRATION L Distance from Trap to Vent
ILLUSTRATION M Trap Weir
ILLUSTRATION N Trap Vent
ILLUSTRATION O Common Vent
ILLUSTRATION P Wet Vent
ILLUSTRATION Q Vertical Wet Vent
ILLUSTRATION R Hydraulic Gradient
ILLUSTRATION S Single Bathroom Groups
ILLUSTRATION T Double Bath
ILLUSTRATION U Multistory Bathroom Groups - Plan
ILLUSTRATION V Multistory Bathroom Groups - Elevation
ILLUSTRATION W One Bathroom Group - Plan
ILLUSTRATION X One Bathroom Group - Elevation
ILLUSTRATION Y Battery Venting
ILLUSTRATION Z Dual Branches
ILLUSTRATION AA Right and Wrong Vent Connections
ILLUSTRATION BB Fixtures Back-to-Back in Battery
ILLUSTRATION CC Fixture Connections - Offset Vents
ILLUSTRATION DD Circuit Vented Fixtures
ILLUSTRATION EE Main Vents
ILLUSTRATION FF Combination Waste and Vent

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION GG Special Venting for Island Fixtures

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NOTE: In this Part, unless context indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: DEFINITIONS AND GENERAL REGULATIONS

Section 890.120 Definitions

For the purpose of administering and enforcing this Part, the following terms which consist of words or expressions that have a precise meaning in plumbing shall have the meaning indicated:

"Abutting": Abutting means to border, to touch, to terminate at point of contact, adjacent.

"Accessible": Accessible means easily approached or entered with minor modifications such as the removal of an access panel, door or similar obstruction, (e.g., sheetrock or paneling).

"Air Gap": The air gap in a water-supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. (See Appendix B: Illustrations A and B.)

"Anchor": An approved support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members.

"Antimicrobial": An additive or surface coating that prohibits the growth of bacteria or staphylococci.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Anti-siphon Ball Cock": An anti-siphon ball cock is a device consisting of a float valve with a flow-splitter to provide for tank and trap refill, which has an integral vacuum breaker, and which is used in conjunction with water closet flush tanks.

"Approved": Approved means accepted or acceptable under an applicable specification stated or cited in this Part or accepted as suitable for the proposed use.

"Area Drain": A drain placed in the floor of a basement area, a depressed or basement entry way, a loading platform, or a paved driveway which cannot otherwise be drained.

"Aspirator": A device supplied with fluid under positive pressure which passes through an integral orifice or constriction causing a partial vacuum. Any apparatus for producing a movement of fluid by the suction of that partial vacuum.

"Atmospheric Vacuum Breaker": A device consisting of a soft disc, reaction cup, stem guide with machined brass or other metal seat and large hooded atmospheric vent port used to prevent back siphonage.

"Back Pressure": Back pressure is a condition where reverse pressure exceeds the pressure in the intended (normal) direction, or exceeds the usual pressure of flow or thrust. Such back pressure can cause liquid or air to flow in the direction opposite to the normal direction of flow.

"Back Siphonage": The flowing back (or backflow) of fluid from a plumbing fixture, vessel or other source caused by a negative pressure.

"Back Siphonage Preventer": A device designed to prevent reverse flow in a water system, specifically back siphonage. The device should be used only where no backpressure may occur.

"Back Water Valve": A device or valve that is installed in a sanitary sewer, storm drain or storm sewer to prevent sewage or drainage from backing up.

"Backflow": Backflow is the reversal of flow from that normally intended. Back siphonage is one type of backflow.

"Backflow Connection": Backflow connection or condition is any arrangement whereby backflow can occur.

"Backflow Preventer": A backflow preventer is a device to prevent backflow into the potable water supply system. A device which

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

prevents contaminated water or liquids from being siphoned or pushed from back pressure into the potable water supply system.

"Backflow Preventer, Double Check Valve Backflow Preventer Assembly (DCV)": A double check valve backflow preventer assembly is a device covered by ASSE Standard #1015-1988, for intermittent or continuous use, low hazard conditions and consists of valves located at each end of the device. It is also supplied with test cocks.

"Backflow Preventer, Double Check Backflow Preventer with Intermediate Atmospheric Vent Assembly": A double check backflow preventer with an intermediate atmospheric vent assembly is covered by ASSE Standard #1012-1978 and is capable of preventing back siphonage and backflow in water lines under continuous or intermittent pressure conditions. This device has two (2) independent internal force-loaded check valves separated by an intermediate chamber with a means for automatically venting to the atmosphere. It is approved for low hazard use.

"Backflow Preventer, Double Detector Check Valve Backflow Preventer Assembly (DDC)": A double detector check valve assembly is a device covered by ASSE Standard #1048-1990, constructed of two (2) independent check valves internally force-loaded with two (2) tightly closing valves located at each end of the device and four (4) test cocks for testing the check valves. In addition, the device has a by-pass line with a water meter and two (2) independent check valves located within that line. The device is for low hazard conditions.

"Backflow Preventer, Dual Check Valve Backflow Preventer Assembly (DuC)": A dual check valve backflow preventer assembly is a device covered by ASSE Standard #1024-1990, constructed to operate under intermittent or continuous pressure conditions, consisting of two (2) independent internal force-loaded check valves and is for low hazard conditions. The device must be located between two (2) tightly closing valves. The check valves are removable for testing.

"Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly (RPZ)": A reduced pressure principle backflow preventer assembly is a device covered by ASSE Standard #1013-1988 consisting of two (2) internal force-loaded check valves separated by an intermediate chamber for automatic venting/discharging to the atmosphere. The first check valve reduces the supply pressure a predetermined amount so that during normal flow, and at cessation of normal flow, the pressure between the two (2) check valves will be lower than the supply pressure. If either check valve leaks, the relief valve will discharge to atmosphere and maintain the pressure in the zone between the two (2) check valves lower than the supply pressure. This device has two (2) shut-off valves located at each end of the device and four (4) test cocks for testing the check valves.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

This device is for high hazard conditions and is approved for continuous use.

"Ball Cock": A device consisting of a float valve equipped with a flow-splitter to provide a tank and trap refill; used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": A battery of fixtures is any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch. (See Appendix B: Illustration C.)

"Boiler Blow-Down": Boiler blow-down is a controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": A branch is any part of the piping system other than a main, riser, or stack. (See Appendix B: Illustration D.)

"Branch Interval": A branch interval is a length of soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": A branch vent is a horizontal vent connecting one or more individual vents with a vent stack or stack vent. (See Appendix B: Illustration E.)

"Building Classification": Building classification refers to the Department's designation of buildings into differing types based upon use or occupancy, e.g., residential buildings, dormitories, office buildings, restaurants, etc.

"Building Drain": The building (house) drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain terminates five (5) feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Sewer": The building (house) sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer or private sewage disposal system. The building sewer commences five (5) feet outside the building foundation wall. (See Appendix B: Illustration F.)

"Building Storm Drain": A building storm drain is the lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, site

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

drainage, condensate or cooling water inside the walls of a building to a point five (5) feet beyond the outside of the building foundation wall.

"Building Sub-drain": A building sub-drain is that portion of a sanitary drainage system (see definition of "Drainage System") which cannot drain by gravity into the building drain. (See Appendix B: Illustration G.)

"Building Trap": A building (house) trap is a device, fitting or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Chemical Waste System": Piping which conveys corrosive or toxic chemical waste to the drainage system.

"Circuit Vent": A circuit vent is a branch vent that serves two (2) or more traps and extends from the front of the last fixture connection of a horizontal waste branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures which depend on siphonage for proper operation. (See Appendix B: Illustration H.)

"Clear Water" or "Clear Water Waste": Cooling water and condensate waste from refrigeration or air conditioning equipment, cooled condensate from steam heating systems and seepage water.

"Closed Water System": If a backflow preventer device is installed in a water distribution system, that portion of the system on the outlet side of the device is considered a closed water system. A check valve or backflow preventer (e.g., a reduced pressure principle backflow preventer assembly) may be used to create a closed water system.

"Code": The term "code" is commonly used to mean State or local statutes, ordinances, rules or regulations, e.g., requirements for plumbing methods, materials, etc. This Part 890, the Illinois Plumbing Code, will be referenced in this rule as "Part". In order for a State plumbing code to be enforceable, it must be authorized by Illinois statute and be promulgated pursuant to such statute. At the local level, a county, city, township, village, sanitary/water district must adopt a plumbing ordinance or resolution and a plumbing code, and such ordinance or resolution and code must be filed with the clerk's office. A standard for plumbing contained in any local code that has not been officially adopted can only be construed as a recommended standard.

"Cold Water": Cold water is water below 85°F.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Combination Fixture": A combination fixture is a fixture combining two or more compartments or receptors.

"Combination Waste and Vent System": A combination waste and vent system is a system of waste piping with the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Combined Building Sewer": A combined building sewer is one which receives storm water and sewage.

"Common Vent": A common vent is a vent connecting at the junction of two fixture drains and serving as a vent for both fixtures. (See Appendix B: Illustration I.)

"Connection": A connection is the joining of two pieces of pipe, or pipes and fittings, valves or other appurtenances.

"Contaminant" means any solid, liquid, or gaseous matter which, when present in a potable water supply distribution system, may cause the water to degrade so that water quality standards are not met or physical illness or injury to persons consuming the water could result.

"Contaminated Water": Contaminated water is water not suitable for human use in accordance with the inorganic, turbidity, organic and microbiological requirements of Sections 900.50, 900.65 and 900.70 of the Drinking Water Systems Code (77 Ill. Adm. Code 900).

"Continuous Vent": A continuous vent is a vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal. A continuous vent is also known as a back vent or an individual vent. (See Appendix B: Illustration J.)

"Continuous Waste": A continuous waste is a drain or waste line from two (2) or more fixtures or sink compartments (of a single fixture), such as a combined three-compartment sink, connected to a single common trap.

"Critical Level": The mark on an atmospheric vacuum breaker established by the manufacturer and stamped "-CL-". This determines the minimum elevation above the flood-level rim or top of the fixture, whichever shall apply, at which the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker shall constitute the critical level.

"Cross Connection": A cross connection is any physical connection or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

arrangement between two otherwise separate piping systems, one of which contains potable water and the other fluids of any kind, whereby water or other fluids may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.

"Cross-Connection Control by Containment": The installation of a backflow preventer at the service-connection to a premises to protect the water main.

"Cross-Connection Control by Isolation": The installation of a backflow preventer at each cross-connection in a premises to protect both the premises and water main.

"Cross-Connection Control (CCC)": An activity designed to prevent, discover, and eliminate all cross-connections.

"Cross-Connection Control Device": A cross-connection control device is a safety device installed in a potable water line to prevent potable water and fluids of any kind from being mixed. Cross-connection control devices include, but are not limited to: atmospheric vacuum breaker, double check valve backflow preventer, double detector check valve backflow preventer, dual check valve backflow preventer, and reduced pressure principle backflow preventer.

"Cross-Connection Control Device Inspector": A plumber who holds an Illinois Plumbing License and who has been certified by the Illinois Environmental Protection Agency in accordance with 35 Ill. Adm. Code 653.802 to inspect, test, maintain and repair cross-connection control devices. Such certification attests to an inspector's understanding of the principles of backflow and back siphonage, and the public health hazard presented by the improper installation of cross-connection control devices.

"Cross-Connection, Nonpressure Type": A submerged inlet installation where a potable water pipe is connected or extended below the overflow rim of a receptacle, or environment that contains a non-potable fluid at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is connected to a closed vessel or piping system that contains non-potable fluid, above atmospheric pressure.

"Dead End": A dead end is a pipe which is terminated at a developed distance of two (2) feet or more by means of a plug or other closed fitting, except piping serving as a cleanout extension to an accessible area. (See Appendix B: Illustration K.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Developed Length": The developed length of a pipe is its length measured along the center line of the pipe, including fittings.

"Diameter": The length of a straight line passing through the center of an object, e.g., a circle. (For the diameter of a pipe, see "Pipe Diameter.")

"Drain": A drain is any pipe which carries waste water in a building drainage system. (See Appendix B: Illustration L.)

"Drain Laying": Drain laying encompasses the laying and connecting of piping from five (5) feet outside the foundation wall of a building to the public sanitary sewer system in the street or alley.

"Drainage Fixture Unit (D.F.U.)": See "Fixture Unit, Drainage."

"Drainage Piping": See "Drainage System."

"Drainage System": A drainage system includes all piping within public or private premises which conveys sewage, rain, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems, although both are part of the overall plumbing system.

"Durham System": A Durham system is a soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": The effective opening is the minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of the diameter of a circle or, if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing an air gap.)

"Existing Plumbing" or "Existing Work": Existing plumbing or existing work means a plumbing system or any part thereof which has been installed prior to the effective date of this Part.

"Extracted Mechanical Joint": A joint which is developed with a special drilling tool used to penetrate a copper pipe wall, after which two steel pins are extended from the drill. While rotating, the drill head is withdrawn from the pipe under power, raising an external collar from the hole in the pipe. The branch pipe is then brazed into the collared outlet.

"Fixed": Stationary, immovable or immobile, as in a fixed air gap.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Flushometer Valve": A flushometer valve is a device actuated by hand, a photoelectric cell, or other electronic control which discharges a predetermined quantity of water to fixtures for flushing purposes. The valve is closed by direct water pressure.

"Grade": Grade is the fall, pitch, or slope of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fraction of an inch fall per foot length of pipe. This may also be expressed as a percentage. (See Appendix B: Illustration O.)

"Grease Interceptor": A device used to separate and retain grease, oils and other floating matter from sewage waste while permitting the remaining flow to discharge into the drainage system. See "Interceptor."

"Grey Water": Waste water, such as dishwater, or other waste water not containing fecal matter or urine.

"Group of Fixtures": A group of fixtures means two or more fixtures adjacent to or near each other.

"Hangers": Devices for supporting and securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural member.

"High Toxicity": A substance with an oral LD₅₀ (lethal dose for 50 percent of the population) of 500 milligrams per kilogram or less is considered highly toxic. An average adult would have to ingest less than an ounce of the substance to experience severe illness or death. Cyanide is an example of a highly toxic substance.

"Horizontal Branch": A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts the discharge to the soil or waste stack or to the building drain. (See Appendix B: Illustration P.)

"Horizontal Pipe": Horizontal pipe means any pipe or fitting which makes an angle of less than 45 degrees with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

"Hot Water": Hot water is water at a temperature of not less than 120°F.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Fixture Branch": A fixture branch is a water supply, soil or waste pipe serving one or more fixtures.

"Fixture Carrier": A fixture carrier is a device designed to support an off-the-floor plumbing fixture.

"Fixture Drain": A fixture drain is the vertical or horizontal outlet pipe from the trap of the fixture to the junction of that pipe with any other drain pipe. (See Appendix B: Illustration M.)

"Fixture Supply": A water supply pipe connecting the fixture to a branch or main water supply pipe.

"Fixture Unit, Drainage" or "Drainage Fixture Unit (D.F.U.)": A fixture unit, drainage is the mathematical factor used by the plumbing industry to estimate the probable load on the drainage system caused by discharge from various plumbing fixtures. One fixture unit, drainage is equivalent to seven and one-half (7.5) gallons per minute or one (1) cubic foot per minute.

"Fixture Unit, Water Supply" or "Water Supply Fixture Unit (W.S.F.U.)": Fixture unit, water supply is the mathematical factor used by the plumbing industry to estimate the probable demand on the water supply system (considering the volume, duration of flow, and intervals between operations) caused by various plumbing fixtures.

"Float Valve": A float valve is an automatic opening valve, operated by a float, used to control the water level in a vessel, tank, or other container.

"Flood Level": The flood level of a fixture or receptacle is the elevation at which an impounded liquid will overflow the fixture or receptacle.

"Flood Level Rim": The top edge of a receptacle or fixture over which an impounded liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Overflow rim" is used interchangeably with flood level rim.

"Flooded": A fixture is flooded when the liquid therein equals the maximum capacity of the fixture or when the level of the liquid therein rises to the fixture's flood level rim. Any attempt to add additional liquid to a flooded fixture causes liquid to overflow.

"Flush Valve": A flush valve is a device for the purpose of flushing water closets and other similar fixtures. (See Appendix B: Illustration N.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

fittings, lead free refers to pipes and fittings containing no more than eight percent (8.0%) lead.

"Length of Pipe": Length of pipe is the overall distance measured along the center line of a pipe. See "Developed Length."

"Liquid Waste": Liquid waste is the discharge from any fixture, appliance, or appurtenance, in connection with a plumbing system which does not receive fecal matter.

"Load Factor": The load factor is the percentage of the total connected fixture unit flow rate which is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow above the point being considered, and probability of simultaneous use. Load factor represents the ratio of the probable load to the potential load.

"Local Ventilating Pipe": A local ventilating pipe is a pipe on the fixture side of the trap through which vapors or gases or foul air are removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe in order to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent which loops back to connect with a stack vent instead of a vent stack. Its use is limited to floor drains and floor outlet fixtures which depend on self siphonage for proper operation.

"Low Toxicity": A substance with an oral LD[50] (lethal dose for 50 percent of the population) greater than 5,000 milligrams per kilogram is considered practically nontoxic. An average adult would have to ingest more than a pint of the substance to experience severe illness or death. Hydrogen peroxide is an example of a substance of low toxicity.

"Main": The main of any piping system is the principal artery of the system to which branches may be connected.

"Main Vent": The main vent is the principal artery of the venting system to which vent branches may be connected. (See Appendix B: Illustration Q.)

"Maximum Demand": In plumbing, the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment thereof.

"Manhole": A manhole is an opening constructed to permit a person to

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

"House Drain": See "Building Drain."

"House Trap": See "Building Trap."

"Hydrant": A valve or faucet for drawing water from a buried pipe which generally includes a stand pipe with a valve or faucet at the upper end. It usually has a threaded valve outlet to which a hose may be attached.

"Indirect Waste": An indirect waste is a pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Vent": An individual vent is a pipe installed to vent a fixture trap which connects with the vent system above the fixture served, or which terminates in the outside atmosphere.

"Individual Water Supply (Private Water Supply)": A water supply system serving a single family dwelling.

"Industrial Wastes": Industrial wastes are liquid wastes resulting from the processes employed in industrial and commercial establishments.

"Insanitary": Contaminated. Not hygienic, or unclean enough to endanger health.

"Interceptor": An interceptor is a device designed and installed to separate and retain hazardous or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the drainage system. Interceptors may be designed to remove gas, oil, sand, grit and grease. "Separator" is also commonly used to mean an "interceptor."

"Invert": The invert is the lowest part of the internal cross-section of a pipe or conduit.

"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. (See Section 890.1600, "Special Venting for Island Fixtures".)

"Joint": A joint is the juncture of two pipes, a pipe and a fitting, or two fittings.

"Lead Free": When used with respect to solder and flux, lead free refers to solders and flux containing not more than two-tenths of one percent (0.2%) lead; and when used with respect to pipe and pipe

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

gain access to an enclosed space. In a sewer or any portion of the plumbing system, it is used to eliminate restriction of flow at changes of direction or junctions and to facilitate cleaning.

"Minor Repairs": Minor repairs do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

"Moderate Toxicity": A substance with an oral LD[50] (lethal dose for 50 percent of the population) of 500 to 5,000 milligrams per kilogram is considered moderately toxic. An average adult would have to ingest between an ounce (2 tablespoons) and a pint of the substance to experience severe illness or death. Chloroform is an example of a moderately toxic substance.

"New Plumbing" or "New Work": For purposes of this Part, new plumbing or new work means any plumbing system or part thereof, or any addition to or alteration of an existing system, being installed or recently completed.

"Non-Potable Water": Non-potable water is water that does not meet public health standards for drinking water (Refer to 77 Ill. Adm. Code 900) and is not suitable for human consumption or culinary use. Any water of unknown quality is considered non-potable.

"Non-Toxic Transfer Fluids": Fluids having no normal detrimental effect on humans.

"Occupancy": Occupancy generally means the use for which a building currently serves. In the case of a single family residence, occupancy shall mean taking possession of and living in the premises as one's sole and exclusive residence for a period of not less than six (6) months after the completion of construction, or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": An offset in a line of piping is a combination of elbows or bends which brings one section of pipe into a line parallel with the other section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible, and open to inspection. Open plumbing is also referred to as an exposed plumbing installation.

"Open Water System": A water system with no check valve or backflow preventer installed in the service pipe.

"Overflow Rim": The top edge of a receptacle or fixture over which an

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

impounded liquid will flow when the receptacle or fixture is filled beyond its capacity (or flooded). "Flood level rim" is used interchangeably with overflow rim.

"P.S.I.": "P.S.I."; or "psi": Pounds per square inch of pressure.

"Part": Part means the Illinois Plumbing Code in its entirety, Part 890 (referenced as 77 Ill. Adm. Code 890), subsequent amendments thereto, or any emergency rule which the Department lawfully adopts.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by means of a "Peppermint Test."

"Peppermint Test": A test for leakage using peppermint oil and hot water as the media, and the sense of smell to determine any leak; also known as a "scent test" (see Section 890.1930(e)).

"Pet Cock": A pet cock is a small faucet or valve used to drain water, steam, or air.

"pH": An expression of acidity and alkalinity on a scale from zero (0) to 14, with seven (7.0) being neutral. Numbers less than seven (7.0) indicate increasing acidity as the number decreases, and numbers greater than seven (7.0) indicate increasing alkalinity as the number increases.

"Pipe": A cylindrical conduit or conductor, the wall thickness of which is sufficient to receive a standard pipe thread.

"Pipe Diameter": Generally the distance measured from the inside wall of a pipe (passing through the center of the pipe) to the opposite inside wall. Any referenced pipe diameter or pipe size shall mean the nominal size or diameter as designated by the commercial manufacturer.

"Pipefitting": The installation of piping other than that piping which is defined as plumbing.

"Pipe Increments": For increasing or decreasing pipe size by a given number of pipe increments - the following examples constitute one pipe size change: 1, 1 1/2, 2, 2 1/2, 3, 3 1/2, 4, 4 1/2, 5.

"Piping": Piping is an assembly of pipes or conduit with fittings of compatible design. This term is commonly interchanged with "Pipe."

"Pitch": "Pitch" is synonymous with "grade." See "Grade."

"Plumbing": See the Illinois Plumbing License Law (41-Rev-Stat-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1991r-chr--111-1/27-par--1102† [225 ILCS 320/2].

"Plumbing Appliance": A plumbing appliance is a special class of plumbing fixture intended to perform a special function. This term includes water heaters, water coolers, drinking fountains, heat exchanger and water treatment equipment other than water softeners.

"Plumbing Appliance": An accessory or device used in a plumbing system which demands no additional water supply, nor adds any discharge load to a fixture or the drainage system. Plumbing appliances shall include instruments, gauges, relief valves, limit switches, solenoid valves, etc.

"Plumbing Fixture": Plumbing fixtures are ~~approved~~ installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquid or liquid-borne waste, with or without discharge of such waste into the drainage system to which they may be directly or indirectly connected. Generally an installed appliance to the potable water supply system which makes available intended potable water, or a receptor which receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system. A permanent appendage usually designed as a receptacle and intended to receive and/or discharge liquid or liquid-borne waste to a drainage system. Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures.

"Plumbing Inspector": An employee or agent of State or local government who holds a valid Illinois Plumbing License and is authorized to inspect plumbing.

"Plumbing System": See the Illinois Plumbing License Law ~~†111r-Rev-Stat-1991r-chr--111-1/27-par--1102†~~ [225 ILCS 320/2].

"Pop-Up Waste": A pop-up waste consists of a waste outlet into which a sliding metal or plastic stopper is fitted, and the stopper can be raised to drain the waste. A common pop-up waste used for lavatories has a lever which passes out the side of the drain fitting and connects to a lift rod that extends on top of the lavatory or sink. The rod is lifted to lower the stopper, or depressed to raise the stopper and drain the lavatory.

"Potable Water": Potable water is water that is suitable for human consumption in accordance with the Drinking Water Systems Code (77 Ill. Adm. Code 900).

"Pressure Gradient Monitor": A device used to protect the quality of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water, fail safe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve": See "Relief Valves."

"Private" or "Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments, and private bathrooms of hotels or motels where the fixtures are intended for the use of a single family or an individual, handwashing stations (lavatories) within residents' rooms, within shared or common resident restrooms, or designated for staff use only in hospitals/long-term care units/mental health facilities, and hand washing stations where food is being prepared.

"Private Sewage Disposal System": This means any sewage handling or treatment facility receiving domestic sewage from fewer than fifteen (15) people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to the Private Sewage Disposal Licensing Act (~~†111r-Rev-Stat-1991r-chr--111-1/27-par--116-3003†~~ [225 ILCS 225/3] and Private Sewage Disposal Licensing Code (77 Ill. Adm. Code 905)).

"Private Sewer": A private sewer is a sewer privately owned and not directly controlled by a public authority.

"Private Water Supply" or "Private Water System": Any potable water supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

"Proper" or "Properly" means to be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this part and manufacturer's recommendations.

"Public" or "Public Use": For purposes of classifying plumbing fixtures, "public" refers to any installation or use of plumbing fixtures or facilities except those in residences, apartments or private bathrooms of hotels/motels where the fixtures are intended for the personal use of an individual or single family only.

"Public Sanitary Sewer": A public sanitary sewer is controlled by a public authority and is intended to receive and transport sewage.

"Public Water System": A public water system is a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage, and distribution facility under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. The public water system ends at and with the water service connection.

"Quarter Bend": A quarter bend is a fitting changing direction of 90 degrees. (See Appendix B: Illustration R.)

"Quick Closing Valve": A valve or faucet that closes automatically when released or one that has fast action closing.

"Readily Accessible": Readily accessible means direct access without the necessity of removing or moving any panel, door or similar obstruction.

"Receptor": Devices or fixtures which receive the discharge from indirect waste pipes.

"Reduced Pressure Zone Principle Backflow Preventer Assembly (RPZ)": See "Backflow Preventer, Reduced Pressure Principle Backflow Preventer Assembly (RPZ)."

"Relief Valves":

Temperature relief valve - A valve designed to release water to the atmosphere at a predetermined temperature setting.

Pressure relief valve - A valve designed to relieve excessive pressure to the atmosphere at a predetermined setting.

Temperature and pressure relief valve or pressure-temperature relief valve - a valve incorporating a temperature relief valve and a pressure relief valve in one unit.

Vacuum relief valve - A valve which admits air to the system when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent which permits circulation of air in or between drainage and vent systems. (See Appendix B: Illustration S.)

"Restaurant": Any establishment selling, to the public, food or liquid beverages that can be consumed on the premises.

"Restroom": For the purpose of this Part, a restroom, as a minimum, will consist of one water closet and one lavatory all located in the same room.

"Return Offset": A double offset installed so as to return the pipe

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

to its original alignment. (See Appendix B: Illustration T.)

"Revent Pipe": See "Individual Vent". (See Appendix B: Illustration U.)

"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe which extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roughing-In": The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

"Safe Pan": A safe pan is installed beneath piping and/or a fixture to collect and drain any leakage. Safe pans are especially important in food preparation/storage areas and sterile areas of health care facilities that have overhead, exposed, drainage piping.

"Safe Waste": See "Indirect Waste."

"Sanitary Sewer": A sanitary sewer is a public or private sewer into which building sewers are connected.

"Sanitary Waste": Sanitary waste is sewage containing human excrement and liquid household wastes or ordinary wastes derived from a plumbing system.

"Semi-Private Water System": means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling. (See the Illinois Groundwater Protection Act. (415 ILCS 5519))

"Separator": See "Interceptor."

"Service Connection": A service connection is the tap at the water main and any pipe to the property line.

"Sewage": Sewage is any waste containing animal, human, or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by pumping means.

"Side Vent": A vent connecting to the drain pipe through a fitting at an angle not greater than 45 degrees to the vertical.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Sterilizer, Pressure (Autoclave)": A fixture (pressure vessel) designed to use steam under pressure for sterilizing.

"Sterilizer, Pressure Instrument Washer-Sterilizer": A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

"Sterilizer Vent": A separate pipe or stack, which is trapped below the lowest exhaust and indirectly connected to the building drainage systems, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric, or exhaust vent.

"Sterilizer, Water": A water sterilizer is a device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer which is used for conveying rain water, surface water, ground water, subsurface water, site drainage, condensate, cooling water or other similar liquid waste (excluding sewage) from the building storm drain to an approved point of discharge.

"Sub-soil Drain": A drain which collects sub-soil drainage and conveys it to a place of disposal.

"Sub-soil Drainage": Sub-soil drainage is liquid waste such as run off water, seepage water or clear water waste, free of fecal matter and grey water.

"Sump": A sump is a receptacle which receives sanitary or storm waste, located below the normal grade level of the gravity system, and emptied by pumping or gravity.

"Sump Pump": A pump for the removal of storm, subsoil and clear water waste drainage from a sump.

"Supports." A support is a hanger, anchor or other device for securing or holding pipe fixtures to walls, ceilings, floors, or structural members.

"Swimming Pool": Refer to the Swimming Pool and Bathing Beach Act (410 ILCS 125) for minimum sanitary requirements for the design and operation of swimming pools and bathing beaches.

"Tempered Water": Tempered water is water ranging in temperature from

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Sillcock": A type of lawn faucet. A faucet used on the outside of a building to which a garden hose may be attached.

"Size of Pipe or Tubing": Pipe is generally sized according to the approximate dimension of its bore or inside diameter, whereas tubing is usually sized by measuring its outside diameter. Both are expressed in inches and fractions thereof. For purposes of this Part, any referenced pipe or tubing size shall mean the nominal size or diameter as designated by the commercial manufacturer.

"Slope": "Slope" is synonymous with "grade." See "Grade."

"Soil Pipe": A soil pipe is any pipe which conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain.

"Special Waste Pipe": Piping which conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Special Wastes": Wastes which require special handling and treatment before they may be discharged into the plumbing system. (See Subpart H.)

"Sprinkler System": There are two basic types of sprinkler systems. A fire sprinkler system is a system of piping and necessary appurtenances for conveying water or other extinguishing fluid to outlets for the purpose of fire extinguishment. A lawn sprinkler system is a system of piping installed for irrigation purposes.

"Stack": A general term for any vertical line of soil, waste, or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. (See Appendix B: Illustration V.)

"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.

"Sterilizer, Boiling Type": A boiling type "sterilizer" is a fixture (non-pressure type) used for boiling instruments, utensils, and/or other equipment (used for sterilization). Some devices are portable, others are connected to the plumbing system.

"Sterilizer, Instruments": A device for the sterilization of various instruments.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

85°F to, but not including 120°F.

"Terminal Heating Device": A device located within the environment to be conditioned which directly transfers its heating energy by radiation or forced or gravity convection.

"Test Cock": A test cock is a small cock, faucet, or valve set in a water pipe, pump, backflow device or water jacket used to drain water or test pressure.

"Toxic": Not fit for human consumption. Poisonous.

"Toxic Transfer Fluids": Sanitary waste, grey water or mixtures containing harmful substances, including but not limited to ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Trap": A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. (See Appendix B: Illustration W.)

"Trap Arm": A trap arm is that portion of a fixture drain between a trap and its vent.

"Trap Primer": A trap primer is a device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip of the trap. (See Appendix B: Illustration W.)

"Tube": A cylindrical conduit or conductor, the wall thickness of which is less than that needed to receive a standard pipe thread. Compare with "Pipe."

"Tuberculation": A condition which develops on the interior of pipe due to corrosion resulting in the creation of small, hemispherical lumps (tubercules) on the inner walls of the pipe.

"Union": A union is a coupling device used to join two pipes end-to-end, but allow them to be disconnected and re-connected. This joint can be assembled and disassembled without removing any adjacent pipes.

"Vacuum": A pressure less than atmospheric pressure, sometimes referred to as suction. It is usually measured in inches of mercury below atmospheric pressure, such as ten (10) or twenty inches of mercury. To vacuum also means to siphon.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Vacuum Breaker": A device which prevents the creation of a vacuum by admitting air at atmospheric pressure, used to prevent back siphonage.

"Vacuum Breaker, Hose Type (HVB)": A back siphonage prevention device designed for hose connections which are not under continuous pressure, and meeting the requirements of ANSI/ASSE 1011-1982.

"Vacuum Breaker, Non-Pressure Type (Atmospheric)": A vacuum breaker which is not designed to be subject to static line pressure, and meeting the requirements of ANSI/ASSE 1001-1990.

"Vacuum Breaker, Pressure Type": A vacuum breaker designed to operate under conditions of static line pressure, and meeting the requirements of ASSE 1020-1989.

"Vacuum Relief Valve": A device to prevent excessive vacuum in a pressure vessel.

"Vent, Main": See "Main Vent."

"Vent Pipe": A pipe in a plumbing system that is used to equalize pressure and ventilate the plumbing system. Also see the definition of "Vent System."

"Vent Stack": A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system and terminating to the atmosphere or in the stack vent. (See Appendix B: Illustration X.)

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system and to provide a circulation of air within the system to protect trap seals from siphonage and back pressure.

"Venturi": A short section in a pipe with a reduced diameter or cross sectional area (forming a throat) compared to the larger ends, thereby increasing the velocity of the fluid passing through the throat and decreasing the pressure at the throat. This decrease in pressure allows another fluid to be drawn into the venturi.

"Vertical Pipe": Any pipe or fitting which makes an angle of 45 degrees or less with the vertical.

"Wall Hung Water Closet": A water closet installed in such a way that no part of the water closet touches the floor.

"Waste": See "Sanitary Waste."

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Waste Pipe": A pipe which conveys only waste material.

"Water Distribution Pipe": A pipe within the building or on the premises which conveys water from the water service to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel due to a sudden stoppage of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit. It is also called hydraulic shock.

"Water Hammer Arrestor": A device to absorb hydraulic shock.

"Water Heater": An appliance for supplying hot water for domestic or commercial purposes. It may be used for space heating if the water temperature does not exceed 150 degrees F.

"Water Main": A water supply pipe for public or community use.

"Water Outlet": An opening through which water is supplied to a fixture, device, appliance or an appurtenance or into the atmosphere.

"Water Riser Pipe": See "Riser."

"Water Service" or "Water Service Pipe": A water service is the pipe from the water main or source of potable water supply to the water distribution pipe of the building served.

"Water Supply Fixture Unit (W.S.F.U.)": See "Fixture Unit, Water Supply."

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

"Water Supply System": The water service pipe, the water distribution pipe, and all fittings, valves, and appurtenances in or associated with the building or premises being served.

"Wet Vent": A vent which also serves as a drain. A vent which receives the discharge of wastes other than from water closets. (See Appendix B: Illustration Y.)

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the vent stack. (See Appendix B: Illustration Z.)

(Source: Amended at 22 Ill. Reg. 21540, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DEC 1 - 1998

SUBPART B: PLUMBING MATERIALS

Section 890.210 Materials

a) With the exception of faucets, grease traps, and gas and oil interceptors, all materials, piping, fittings, appliances, appurtenances and devices used in all plumbing systems shall be listed in Appendix A: Table A and shall conform to standards for use as approved by one or more of the organizations listed in subsection (b) of this Section. All faucets, grease traps, and gas and oil interceptors used shall meet the requirements for such materials, appliances and appurtenances as provided in this Part.

b) Reference for Agencies and Organizations. Abbreviations used in Appendix A, Table A, refer to the following agencies or organizations:

- 1) ANSI - American National Standards Institute; 1430 Broadway, New York City, New York 10018.
- 2) ARI - Air Conditioning and Refrigeration Institute; 1501 Wilson Boulevard, Arlington, Virginia 22209.
- 3) ASHRAE - American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.; 1791 Tullie Circle, NE, Atlanta, Georgia 30329-2305.
- 4) ASME - American Society of Mechanical Engineers; United Engineer Center, 345 East 47th Street, New York City, New York 10017.
- 5) ASSE - American Society of Sanitary Engineering; P.O. Box 40362, Bay Village, Ohio 44140.
- 6) ASTM - American Society for Testing and Materials; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187.
- 7) AWWA - American Water Works Association; 6666 West Quincy Avenue, Denver, Colorado 80235.
- 8) CISPI - Cast Iron Soil Pipe Institute; Suite 419, 5959 Shallowford Road, Chattanooga, Tennessee 37421.
- 9) FM-Factory Mutual Standard; 1151 Boston-Providence Turnpike, P.O. Box 9102, Norwood, Massachusetts 02062.
- 10) NSF (National Sanitation Foundation) - NSF International Midwestern Regional Office, 2311 Green Road, National Sanitation Foundation-Testing-Laboratory-Inc.-3475-Plymouth-Road-Pr-O-Box 14607 Ann Arbor, Michigan 48105 48106.
- 11) PDI - Plumbing and Drainage Institute; 1106 W. 77th Street, South Drive, Indianapolis, Indiana 46260-3318.
- 12) UL - Underwriter Laboratories, Inc.; 333 Pfingsten Road, Northbrook, Illinois 60062.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 - 1998)

Section 890.230 Safe Pan Material and Construction

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

a) Material. Safe pans shall be made only of lead, copper, aluminum, galvanized steel, stainless steel, ABS, PVC or fiberglass material.

- 1) Lead sheets for safe pans shall weigh at least four (4) pounds per square foot.
- 2) Copper sheets for safe pans shall weigh at least twelve (12) ounces per square foot.
- 3) Aluminum, galvanized steel and stainless steel safe pans shall be of at least 24 gauge material.

4) ~~3~~ ABS or PVC safe pans or liners shall be 30 mil or 40 mil.

5) ~~4~~ Fiberglass for safe pans or liners shall be equally durable to the ABS and PVC material described in subsection (a)(3) of this Section.

b) Construction. All safe pans shall be constructed with performed dam corners, shall be watertight, adequately reinforced and provided with a drain opening designed to make a watertight joint. ABS and PVC safe pans and liners shall be solvent welded together with the proper cement.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1993)

SUBPART D: TRAPS AND CLEANOUTS

Section 890.430 Cleanout Equivalent

Fixture Trap. A fixture trap, readily removable and without disturbing concealed plumbing or requiring fixture removal, is acceptable as a cleanout equivalent, if there is no more than one (1) 90 degree bend on the line to be rodded. A water closet is not considered a cleanout equivalent.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1993)

SUBPART E: INTERCEPTORS - SEPARATORS AND BACKWATER VALVES

Section 890.520 Gasoline, Oil and Flammable Liquids

Gas and Oil Interceptors. Commercial vehicle repair garages and gasoline stations with grease racks or pits, storage garages, enclosed parking garages, fire stations, emergency vehicle garages, and all facilities which generate oil and/or flammable waste shall be provided with floor drains or trench drains connected to an approved gas and oil interceptor. Residential garages with floor drains shall have a gas and oil interceptor if they have four (4) or more vehicle bays or exceed 900 square feet in size.

a) General Requirements

- 1) Gas and oil interceptors shall be of cast iron, steel, polethylene, polymer concrete or equally durable fiberglass materials suitable for gas and oil. Fiberglass interceptors

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall not be used for receiving any substance other than gas and oil. Poured concrete interceptors are prohibited.

- 2) Each interceptor or basin shall be provided with a heavy metal cover which shall be bolted into place and made gas and water-tight.
- 3) Each interceptor and, if provided with separate compartments, each compartment and basin shall be provided with a vent of at least two (2) inches, which shall extend independently to the outer air. Two (2) or more vents may be connected to a header which shall be six (6) inches or higher than the lowest floor drain served.
- 4) The inlet of the interceptor or the first basin shall be trapped except when floor drains are individually trapped.
- 5) Floor drains above the level of the interceptor or basins shall connect to a separate stack vent.
- 6) Interceptors must be constructed in accordance with the Illinois State Fire Marshal's rules and regulations for underground storage tanks (41 Ill. Adm. Code 170), where applicable, and shall be maintained to prevent loss of gas, oil, etc. Interceptors utilizing an automatic draw off feature must install a separate U.I. approved underground storage tank or storage tank integral with the interceptor.
- 7) Minimum Dimension. Oil interceptors shall have a depth of at least two (2) feet below the invert of the discharge drain.
- 8) Performance. The oil interceptor shall have at least a 12 inch water seal with a minimum 90 percent efficiency rating or have a minimum of an 18 inch water seal. Gas and oil in the effluent from the interceptor or triple basin shall not exceed the levels specified by the sewage treatment authority having jurisdiction, as promulgated by local ordinances and regulations.
- 9) Trench drains shall be of cast iron, steel, polymer concrete or fiberglass material comparable to schedule 40 PVC. Poured concrete trench drains for gas/oil discharges are prohibited.
- b) Commercial Requirements. For all commercial facilities specified in this Section, a minimum of one (1) floor drain per working stall or one (1) floor drain for each 500 square feet shall be installed. Where trench drains are used to carry wastes to the gas/oil interceptor, the trench drain shall either extend the entire length of the work (stall) area or shall be installed in each working stall. Continuous trench drains shall have a trapped and vented opening no less than every 40 lineal feet. Intermittent trench drains shall be treated as individual floor drains and shall meet the trap and venting requirements for floor drains. Floor drains for such areas shall be provided with an interceptor or a series of three (3) basins before discharging into the building drainage system.
- c) Sizing.
 - 1) Motor Vehicle Servicing. Interceptors are required for motor vehicle servicing areas. The minimum size interceptor shall be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

six (6) cubic feet (45 gallons) for the first 100 square feet of garage floor area plus one (1) cubic foot for each additional 100 square feet to be drained into the interceptor. (One (1) cubic foot equals seven and one-half (7 1/2) gallons.)

2) The minimum size interceptor for all facilities, except those facilities required to conform to subsection (c)(1) of this Section, shall be six (6) cubic feet (45 gallons) for the first 500 square feet of floor area plus one (1) cubic foot per each additional 500 square feet to be drained into the interceptor.

d) Catch Basins. In all motor vehicle wash racks, drainage shall discharge into a water-tight catch basin at least 36 inches in diameter, or three (3) feet by two and one-half (2 1/2) feet (rectangular shape). The bottom shall not be less than 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be of cast iron or schedule 40 plastic with a seal of at least six (6) inches and a cleanout of at least four (4) inches.

e) Interceptor for Special Waste. Before installing any interceptor for any other flammable or special wastes, a drawing including all pertinent information shall be submitted to the Department for its approval.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

SUBPART F: PLUMBING FIXTURES

Section 890.630 Installation

a) Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning.

b) Securing Fixtures. Floor outlet fixtures shall be secured by screws or bolts.

c) Wall-Hung Bowls. Wall-hung water closet and urinal bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.

d) Setting. Plumbing fixtures and traps shall be set level and in a true alignment.

e) Water Supply Connection. Hot and cold or only tempered water shall be supplied to all plumbing fixtures which need or are designed for hot and cold or tempered water. ~~hot--water--for--their--proper--use--and~~

~~function-~~ All mixing faucets and single lever faucets shall have both hot and cold water connected to them with the hot water supply on the left side of the faucet. Further, no mixing faucet of standard manufacture shall be allowed that will permit internal modification for cross piping of hot and cold water connections. Each lavatory and sink faucet shall have supply pipes which are accessible.

f) Improper Location. Piping, fixtures, or equipment shall not be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

located or installed in such a manner as to interfere with the normal operation of windows, doors, or other exit openings. Plumbing fixtures shall be installed in an area where there is sufficient room for the fixture to be used for its intended purpose.

g) Surrounding Materials. Where water closets or urinals are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the water closet or urinal, and extending from the back of the water closet or urinal to the wall, shall be of non-absorbent material.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

Section 890.640 Prohibited Fixtures

a) Drinking fountains shall not be installed in public toilet rooms.

b) Fixed wooden, concrete, cement or tile wash trays or sinks shall not be installed in any restaurant or commercial food establishment.

c) Bathtub liners/inserts are prohibited unless all of the following conditions are met: ~~Sheet-lining-shall-not-be-added--to--any--existing-bath--tub--in--a--building--designed--or--used--for--human-habitation-~~

1) Bathtub liners/inserts must be manufactured to an exact fit over existing bathtubs or be custom fabricated according to the dimensions of an existing bathtub;

2) The floor (bottom surface) of the liner/insert must have a slip resistant surface; and

3) The bathtub liner/insert must be manufactured/fabricated from high-impact plexiglass/ABS or acrylic/plastic material complying with ANSI Z124.8-1990 or from porcelain enameled formed steel complying with ASME/ANSI A112.19.4M-1984.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

Section 890.650 Water Closets

a) Public Use.

1) Water closet bowls for public use shall be the elongated type and the seat shall be an antimicrobial plastic open-front seat. Exception: Water closet bowls for public use may have closed front seats provided the seat is encased with a continuous plastic sleeve capable of providing a clean surface for every user.

2) The activating handle, button or mechanism of the flush valve shall be at least 22 inches above the overflow rim of the bowl. Exception: The activating handle, button or mechanism for water closets installed to meet the "Illinois Accessibility Code" shall be at least ten (10) inches above the overflow rim of the bowl.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 3) Fixtures for the physically disabled shall comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).
- 4) In schools that are not licensed by the Illinois Department of Children and Family Services as day care centers or homes, water closets provided for the use of children under five (5) years of age shall be of size and height suitable for children's use, either child or juvenile type in accordance with ASME/ANSI A112.19.2M-1990.
- 5) Water closets designed for institutional use may be used in intensive care facilities and intensive coronary care facilities provided the water closet swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture. The plans and specifications shall be submitted to the Department for approval prior to installation, and such approval shall be in writing from the Department provided the above requirements are met.
- b) Water Closet Tanks. Water closet tanks shall have a volume sufficient to properly flush the water closet bowls with which they are connected.
- c) Ball cocks. Ball cocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.
- d) Flushing Device. The flush valve seat in all water closet tanks shall be one (1) inch or more above the flood level rim of the water closet bowl, with the exception of one-piece water closets in accordance with ASME/ANSI A.112.19.2M-1990.
- e) Flushometer Valve. Flushometer valves shall comply with ANSI/ASSE 1037-1990. Flushometer valves shall be installed so that they are readily accessible for repair. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing completely under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow. Protection against backflow shall be provided by an approved vacuum breaker installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) inches above the overflow rim of the bowl (See Section 890.1140(a) and (b)). Not more than one water closet shall be served by a single flushometer valve.
- f) Seats. Water closets shall be equipped with seats of smooth non-absorbent material. All seats of water closets provided for public use shall be an antimicrobial plastic material and an open-front style, except closed-front seats may be provided if the seat is encased with a continuous plastic sleeve ensuring a clean surface for every user. No water closet seat shall be more than one and one-half (1 1/2) inches thick. Exception: Facilities for the physically disabled shall comply with the "Illinois Accessibility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- Code."
- g) A flushometer tank (or pressurized flushometer valve in accordance with ANSI/ASSE 1037-1990) shall be used only with a water closet bowl specifically designed for that type tank/flushing device (i.e., in accordance with ASME/ANSI A112.19.2M-1990) and where the flow pressure at the fixture meets the manufacturer's minimum recommendations.
 - h) Water closets which rely on substances other than water for proper operation shall comply with requirements of the "Private Sewage Disposal Code" (77 Ill. Adm. Code 905). Privies and chemical toilets shall not be used inside any building.
 - i) Bidet. A bidet shall be equipped with hot and cold water. An atmospheric vacuum breaker shall be installed on the discharge side of the flushing valve. The bottom of the vacuum breaker, or the critical level line shown on the vacuum breaker, shall be at least four (4) inches above the overflow rim of the bidet.
 - j) Prohibited Water Closets. Hopper-style water closets and water closets with concealed couplings or submerged side inlets are prohibited. (See Appendix F: Illustration A.)

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998.)

Section 890.680 Lavatories

- a) Waste Outlets. Wastes shall have a strainer or stopper and have a waste outlet at least one and one-quarter (1 1/4) inches in diameter.
- b) Lavatory Faucets. All lavatory faucets shall have air gaps as specified in Appendix A: Table C.
- c) When self closing faucets are located on lavatories in public restrooms, they shall be adjusted to remain open for a minimum of 15 seconds, have a 0.5 gpm flow restrictor in accordance with ASME/ANSI 112.18.1M-1989 and be designed for hot and cold water or only tempered water. ~~Self-closing faucets on lavatories shall be adjusted to remain open for a minimum of 15 seconds. Lavatory faucets for public use or within public restrooms shall be of the self-closing type and shall have a 0.5 gpm flow restrictor in accordance with ASME/ANSI A112.18.1M-1989.~~
- d) Fixture Calculation. Eighteen (18) lineal inches of wash sink or eighteen (18) inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory. (See Appendix F: Illustration B.)
- e) Water Temperature. All lavatory faucets for public use shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990 or 1017-1990, adjusted to a maximum setting of 115°F, at the time of installation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1988)

Section 890.810 Minimum Number of Plumbing Fixtures

a) Minimum Number of Fixtures Required. Plumbing fixtures shall be provided, for each building type and occupant load, in the minimum numbers shown in Appendix A, Table B, "Minimum Number of Plumbing Fixtures", except as noted in footnote 2. Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required. The Department's decision shall be in writing based on Appendix A, Table B.

1) Building Classification. For purposes of this Part, buildings shall be classified according to the types shown in Appendix A, Table B. Buildings that incorporate more than one type of building use or occupancy, as classified by the Department, shall provide the combined numbers of fixtures required for the individual uses. For example, a building that serves as both a restaurant and office building shall provide the minimum numbers of plumbing fixtures required for that portion operating as a restaurant plus the number of fixtures required for the office space.

2) Occupant Load. For those building types where the minimum number of plumbing fixtures required in Appendix A, Table B, is dependent upon the building's occupant load, such occupant load shall be the estimated total occupant load. Where the building's occupant load is not known or determinable, the following shall be used to estimate the total occupant load:

- A) In assembly places (sports arenas, stadiums, convention centers, theaters, auditoriums, gymnasiums, or other facilities for spectator events); worship places and funeral homes; schools; office buildings; restaurants; and mercantile units, the total occupant load (employees and public users of the facility) shall be based on the capacity of the rooms or spaces used for assembly purposes or other intended occupancy, and shall be determined as follows:
 - i) In rooms or spaces with fixed seating, the occupant load shall be the actual number of seats provided. When no divisions between seats are provided (e.g., benches or pews), fixed seating shall be computed assuming 18 inches per person.
 - ii) In rooms or spaces without fixed seating, the occupant load shall be determined by dividing the gross floor area by the estimated floor area per person shown in the following table:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Building Type or Occupancy

Floor Area per Person (Sq. Ft.)

Assembly Places - Facilities for Spectators Events; Worship places and Funeral Homes	15
Museums, Libraries, Exhibition Areas and Similar Uses	40
Schools	50
Day Care Centers	70
Office Buildings	200
Restaurants, Clubs, Taverns, and Other Eating/Drinking Facilities	30
Mercantile Units, Except Grocery Stores:	
- First Floor	100
- All Other Floors	120
Combination Grocery Store/Non-Grocery Mercantile Units	150
Grocery Stores	200
Storage/Shipping Area	400
Power Plants/Industrial Units	500

iii) For a driver-in restaurant, the occupant load shall be considered as equal to the number of parking stalls.

B) Dormitories and Institutions. For dormitories, penal institutions and other residential institutions other than hospitals, the total occupant load shall be based upon the number of beds in the dormitory or institution.

b) Required Restroom Facilities and Drinking Fountains

- 1) Employee Restrooms and Drinking Fountains
 - A) Restroom facilities and drinking fountains shall be provided for all employees within each place of employment. The minimum numbers of fixtures provided shall be based on the maximum number of male and female employees working at any one time, as shown in Appendix A, Table B. (The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Appendix A, Table B, entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other building/facilities that do not appear in Appendix A, Table B.)
 - i) If there are more than five (5) employees working at any one time, separate restrooms for men and women shall be provided.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ii) If there are no more than five (5) employees working at any time, one (1) restroom may serve both sexes. A restroom must have a minimum of one (1) water closet and one (1) lavatory.
 - iii) Location. For schools, day care centers and office buildings, the employee restrooms and drinking fountains shall be located on the same floor or one floor above or below each location where employees regularly work.
 - iv) Kiosks, which are free standing places of employment located in the aisle of a mall or another building, that have five (5) or less employees at any time, who have access to public restrooms and a drinking fountain located inside the same building within 200 feet of the kiosks, shall not be required to have employee restroom facilities or a drinking fountain.
- B) If public restrooms and drinking fountains are also required for the building type, employees may share the restrooms and drinking fountains(s) with the public, provided the numbers of fixtures are sufficient for the combined numbers of males and females and the restrooms and drinking fountain(s) are provided within the place of employment (and within the required location for schools, day care centers and office buildings).
- C) Buildings Under Construction. For temporary buildings or buildings under construction which are not yet occupied for their intended purpose, sanitary facilities (including toileting and handwashing facilities) shall be provided for the convenience of all workers.
- i) Toileting facilities provided shall be enclosed and shall be discharged into a sanitary sewer. In lieu of connecting to a sewer, the sanitary facility provided shall be a portable, enclosed, chemically-treated, tank-tight unit.
 - ii) Toileting facilities (water flush type or non-sewered units) shall be provided for employees at construction work sites; however, separate toileting facilities need not be provided for males and females if individual portable units are used. Toileting facilities shall be provided as follows: for one through 200 employees, one toilet facility shall be provided for every 40 employees or fraction thereof; for over 200 employees, one toilet facility shall be added for every 50 employees or fraction thereof. Agricultural work places with ten or more employees shall provide toileting facilities in compliance with the Department's rules entitled "Field Sanitation Code" (77 Ill. Adm. Code 910).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- iii) All non-sewered units shall be pumped regularly to assure adequate working facilities.
- 2) Public Restrooms and Drinking Fountains
- A) General Requirements.
 - i) Buildings with 5,000 square feet gross area or more to be used by the public shall provide public restrooms and drinking fountains as shown in Appendix A, Table B. Buildings, other than those exceptions in subsection (b)(2)(B) of this Section, with less than 5,000 square feet gross area to be used by the public need not provide public restrooms or drinking fountains.
 - ii) Individual businesses within the same building, e.g., retail stores within and enclosed mall, may share public restroom facilities, provided the restrooms are designed for the combined occupant load of the individual businesses served, are always open when any individual business is open, and are not located more than 300 feet from the entrance of any business served. Exception: Any restaurant which sells food or beverage to be consumed on its premises or within the building/mall must be located no more than 100 feet from the shared public restrooms and must be on the same floor.
 - iii) Where public restroom facilities are required by this Part, separate facilities for males and females shall be provided. If additional public restroom facilities are provided in excess of the minimum requirements of this Part, one restroom may serve both males and females; however, that restroom shall not have more than one (1) water closet and one (1) lavatory.
 - iv) Where public restroom facilities are required by this Part, they shall be accessible to the public and meet the requirements of the "Illinois Accessibility Code" (71 Ill. Adm. Code 400). Where plumbing fixtures are installed for the physically disabled, such plumbing and plumbing fixtures shall comply with the "Illinois Accessibility Code".
 - B) Additional Requirements for Special Building Types
 - i) All restaurants which sell food or beverage to be consumed on the premises (regardless of their gross area) shall provide readily accessible restroom facilities for the public. If such public restrooms are not provided within the premises of the restaurant, they shall be located within the same building, on the same floor/level and within 100 feet of an entrance to the restaurant; and they shall be available for public use at all times that the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

restaurant is open. Exception: Restaurants with no more than ten (10) combined employees and seats (for patrons) at any one time need not provide public restrooms, provided the employee restroom(s) is (are) accessible and made available to the public.

- ii) All businesses selling motor vehicle fuel to the public (regardless of their gross area) shall provide at least one public restroom for male use and one public restroom for female use. Exception: Facilities that do not have any employees working as attendants during a part of a twenty-four (24) hour period and sell only motor fuel to the public using automated machines need not provide male/female public restrooms or drinking fountains. There shall be, however, one (1) employee restroom for use by maintenance staff when such personnel is present.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

SUBPART I: WATER SUPPLY AND DISTRIBUTION

Section 890.1130 Protection of Potable Water

- a) Cross Connection (Submergence). Potable water supply piping and water discharge outlets shall not be submerged in any sewage or toxic substance. Where potable water supply piping or water discharge outlets are submerged in other substances, they shall be provided with backflow protection as listed in Section 890.1140(f). (See Appendix I: Illustrations A, B and C.)
- b) Approval of Devices and Maintenance. All devices for the prevention of backflow or back siphonage shall comply with the standard listed in Appendix A, Table A, "Approved Standards for Plumbing Appliances/Appurtenances/Devices." Each double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, and reduced pressure principle backflow preventer assembly (RPZ) shall be tested in-line and approved by a cross-connection control device inspector before being placed into service. Such backflow preventers (DCVs, double check backflow preventer with intermediate atmospheric vent assemblies, and RPZs) installed in a potable water supply system shall be tested and maintained at least annually by a cross-connection control device inspector, and records to verify testing and maintenance shall be available at the site of the installation of the device or at other approved locations. (See Section 890.1130(g)(5).)
- c) Backflow. The water distribution system shall be protected against back siphonage and backflow. Each water outlet shall be protected from back siphonage and/or backflow by having the outlet end from

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a minimum fixed air gap. Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessible backflow prevention device (e.g., a vacuum breaker or backflow preventer) complying with applicable standards.

- d) Fire Safety Systems. The installation of any fire safety system involving the potable water supply system shall be protected against backflow as follows:

1) A fire safety system that does not have chemical additives or a method of supplying chemical additives to the system, does not have any non-potable connection, does not have a fire department hose (siamese) connection, and has less than five (5) sprinkler heads shall be separated from the potable water supply system by a double check valve backflow preventer assembly.

2) A double detector check valve backflow preventer assembly shall be installed at the fire safety system's point of connection to the potable water supply when:

A) A fire safety system has no chemical additives, non-potable connection or fire department hose connection (but has five (5) or more sprinkler heads); or

B) A fire safety system has no chemical additives or non-potable connection, but has one (1) or more fire department hose connections (for boosting pressure and flow to the fire safety system) which are served only by fire fighting apparatus connected to a public water supply or a fire department which does not use chemical additives or rely upon any non-potable water supply.

3) A fixed air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer assembly (RPZ) shall be installed at the fire safety system's point of connection to the potable water supply when:

A) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. (The RPZ may be located at the point of connection to that section of the system containing such additives when the system's connection to the water supply is protected by a double detector check valve backflow preventer assembly); or

B) Non-potable water flows into the fire safety system by gravity; or

C) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source; or

D) Fire department connections are available that could permit water to be pumped into the fire safety system from a non-potable source capable of serving the fire safety system. (A non-potable source of water shall be considered capable of serving the fire safety system under the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

following conditions: It must be capable of year-round use, maintained with at least 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, and located within 1,700 feet of the facility.)

e) Prohibited Connections.

- 1) Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1140(a).
- 2) Chemical or Petroleum Pressure Vessels. There shall be no direct connection between any potable water supply and any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals. Where it is necessary to discharge from a potable water line to such a vessel, such discharge shall be through a minimum fixed air gap as outlined in Section 890.1140(a). Exception: Chemical pressure vessels containing chemicals used in the water treatment process, for uses other than private purposes, are exempt from the provisions of this subsection.
- 3) If water under pressure is required, as in subsections (e)(1) and (2) of this Section, it shall be supplied by means of an auxiliary pump taking suction from a tank provided for this purpose only with an overrim supply having the required minimum fixed air gap.
- 4) Refrigerant Condensers. A potable water line to a single wall refrigerant condenser shall be provided with a backflow preventer complying with ASSE. 1012 or 1013.
- 5) No pipe or fitting of the water supply system shall be drilled or tapped nor shall any band or saddle be used except at the water main in the street. Exception: See Section 890.320(h) for potable water use only.
- f) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment that may have a submerged potable water supply outlet and that are not protected by a minimum fixed air gap. Connection to the potable water supply system for the following fixtures or equipment shall be protected against backflow with one of the appropriate devices as indicated below:
 - 1) Inlet to receptacles containing non-toxic substances (steam, compressed air, food, beverages, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly;
 - C) atmospheric vacuum breaker unit;
 - D) double check valve backflow preventer assembly; or
 - E) double check backflow preventer with atmospheric vent assembly.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Inlet to receptacles containing toxic substances of low or moderate toxicity (vats, storage containers, plumbing fixtures, etc.):
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- 3) Outlets with hose attachments which may constitute a cross connection:
 - A) fixed air gap fitting;
 - B) reduced pressure principle backflow preventer assembly; or
 - C) atmospheric vacuum breaker unit.
- 4) Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic substances:
 - A) fixed air gap fitting; or
 - B) reduced pressure principle backflow preventer assembly.
- 5) Direct connections which are subject to back pressure:
 - A) Receptacles containing non-toxic substances (vats, storage containers, plumbing fixtures, etc.):
 - i) fixed air gap fitting;
 - ii) reduced pressure principle backflow preventer assembly;
 - iii) double check valve backflow preventer assembly; or
 - iv) double check backflow preventer with atmospheric vent assembly.
 - B) Receptacles containing toxic substances of low or moderate toxicity (vats, storage containers, etc.):
 - i) fixed air gap fitting; or
 - ii) a reduced pressure principle backflow preventer assembly.
- 6) Inlet to or direct connection with sewage or lethal substances of high toxicity: fixed air gap fitting.
- g) Installation of Devices.
 - 1) Devices of All Types. Backflow preventers and back siphonage-preventing devices shall be installed so as to allow accessibility, observation, maintenance and replacement services. No backflow preventer assembly shall be installed where it would be subject to freezing conditions.
 - 2) All in-line backflow/back siphonage preventers shall have a full port type valve with a resilient seated shut-off valve on each side of the preventer and located within five (5) feet of the preventer.
 - 3) A protective strainer shall be located upstream of the first check valve on all backflow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from the strainer requirement.
 - 4) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker. (See Section 890.1140(a), (b) and (c).)

- 5) Double Check Valve, Double Check with Intermediate Atmospheric Vent, and Reduced Pressure Principle Backflow Preventer Assemblies. No in-line double check valve backflow preventer assembly (DCV), double check backflow preventer with intermediate atmospheric vent assembly, or reduced pressure principle backflow preventer assembly (RPZ) shall be located more than five (5) feet above a floor, or be installed where it is subject to freezing or flooding conditions. After installation, each double check valve (DCV), double check with intermediate atmospheric vent, and reduced pressure principle (RPZ) backflow preventer assembly shall be field tested in-line in accordance with the manufacturer's instructions by a cross-connection control device inspector before initial operation. (See subsection (b) of this Section.)

- 6) Closed water systems (as created by properly installed backflow prevention devices) shall have a properly sized thermal expansion tank located in the cold water supply as near to the water heater as possible and with no shut-off valve or other device between the heater and the expansion tank. Exception: In existing buildings with a closed water system, a properly sized relief valve may be substituted in place of a thermal expansion tank. For closed water systems created by backflow protection in manufactured housing, as required in Section 890.1140(i), a ballcock with a relief valve may be substituted for the thermal expansion tank.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

Section 890.1140 Special Applications and Installations

- a) An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the pressure incidental to water flowing to the fixture. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.
- b) Flushometer Valve. Flush valves shall be equipped with vacuum breakers installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl or four (4) inches above the top of the urinal. (See Appendix I: Illustration D.)
- c) Flushing Tanks. Flushing tanks shall be equipped with anti-siphon ball cocks. The ball cock shall be installed with the critical level of the vacuum breaker at least one (1) inch above the full opening of the overflow pipe. In cases where the ball cock has no hush tube, the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

bottom of the water supply inlet shall be installed one (1) inch above the top of the overflow pipe. (See Section 890.650(d).)

- d) Lawn Sprinklers. Any lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it conforms with Section 890.1130(g)(1).

- e) Valve Outlets for Hose Attachments.

- 1) All threaded valve outlets shall have backflow protection in accordance with Section 890.1130. All outside threaded valve outlets shall not be subject to freezing.

- 2) Yard hydrants shall be installed as follows:

A) Potable Water

- i) All hydrants with threaded spigots shall have backflow protection attached to the hydrant spigot (if threaded); and

- ii) Hydrants with buried drain down (weep) holes shall have the drain down (weep) holes protected from ground water backup by proper open site drainage.

A backflow preventer shall not be used on the buried drain down (weep) hole to protect the hydrant from ground water backup.

B) Non-potable Water

- One or more hydrants may be installed for non-potable use if they are isolated from the potable water supply by a properly installed backflow preventer device. The hydrants must be clearly identified as non-potable by color (see Section 890.1120) and bear a sign that reads as follows:

"This water unsafe for drinking."

- f) Commercial Laundry Machines. The potable water supply to commercial laundry machine(s) shall be protected against back siphonage by an air gap or backflow protection device. If a vacuum breaker is used, it shall be a minimum of 26 inches above the top of the machine.

- g) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of six (6) inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap or a vacuum breaker located on the discharge side of the final control valve, a minimum distance of six (6) inches above the overflow level or flood rim.

- h) Aspirators. Water operated aspirators shall meet the following specifications:

- 1) The water supply line shall be equipped with a shut-off valve.

- A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms, dental offices and laboratories where aspirators are installed for removing blood, pus and/or other fluids, a vacuum breaker shall be installed on the discharge side of the control valve, at

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ceiling height (a minimum of seven (7) feet, six (6) inches); or a reduced pressure principle backflow preventer assembly shall be used.

B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back siphonage by an atmospheric vacuum breaker or a reduced pressure principle backflow preventer assembly.

2) The aspirator water discharge shall be provided with a two (2) inch air gap to the receiving fixture.

i) Manufactured Housing and Mobile Home Units Manufactured Prior to June 15, 1976. At the time of water service connection, backflow protection must be installed between the water service line and any manufactured housing or mobile home unit that was manufactured prior to June 15, 1976 which does not conform to the requirements of this Part. Backflow protection shall be provided by at least a dual check valve backflow preventer assembly (DuC) conforming to ANSI/ASSE 1024-1990. This backflow protection must be installed in all instances where a unit manufactured prior to June 15, 1976 is connected or re-connected to a water service line, e.g., for connection of a new unit, connection of a relocated unit, or re-connection of a unit that was disconnected to allow repairs to the water line; however, backflow protection is not required for existing units unless a new connection or re-connection to the water service line occurs.

(Source: Amended at 22 Ill. Reg. effective
DEC 1 1998 21540)

Section 890.1150 Water Service Pipe Installation

a) Underground Water Service.

Water service pipe shall be installed in accordance with either subsection (a)(1) or (2) of this Section and shall comply with the requirements of both subsections (a)(3) and (4) of this Section. one of the following methods:

1) Water service and building drain or building sewer may be installed in separate trenches with a minimum of ten (10) feet horizontal separation. Such installation shall use material listed in Appendix A, Table A ("Approved Materials for Building Sewer" and "Approved Materials for Water Service Pipe"), provided that such material is specific for this type of installation. (See Appendix I: Illustration E.)

2) The water service and the building drain or building sewer may be installed in the same trench provided that the water service is placed on a solid shelf a minimum of 18 inches above the building drain or building sewer. For such installation, the building sewer shall be of material listed in Appendix A: Table A ("Approved Building Drainage/Vent Pipe") for a building drain.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(See Appendix I: Illustration F for the proper installation of water service, building drain and building sewer.)

3) The minimum depth for any water service pipe shall be at least 36 inches or the maximum frost penetration of the local area, whichever is of greater depth.

4) No water service pipe shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, in accordance with Section 890.1210(a).

b) Potable Water Piping and Sewer Crossing Installation Requirements.

1) Where it is necessary for the potable water piping to pass above a sewer, such piping shall be installed with a minimum vertical separation of 18 inches.

2) Where it is necessary for the potable water piping to pass beneath a sewer (or drain), the sewer (or drain) shall be of materials as specified in Appendix A: Table A for building drains ("Approved Building Drainage/Vent Pipe") and shall extend on each side of the crossing to a distance of at least ten (10) feet as measured at right angles to the water line. The potable water piping shall comply with Appendix A: Table A as specified for a water service pipe ("Approved Materials for Water Service Pipe"). (See Appendix I: Illustration G.)

c) Stop-And-Waste Valve. Combination stop-and-waste valves and cocks shall not be installed in an underground potable water pipe. Frost free hydrants and fire hydrants shall not be considered stop-and-waste valves. (See Section 890.1140(e).)

(Source: Amended at 22 Ill. Reg. effective
DEC 1 1998 21540)

Section 890.1210 Design of a Building Water Distribution System

a) Design and Installation. The design and installation of the hot and cold water building distribution systems shall provide a volume of water at the required rates and pressures to ensure the safer, efficient and satisfactory operation of fixtures, fittings, appliances and other connected devices during periods of peak use. No distribution pipe or pipes shall be installed or permitted outside of a building or in an exterior wall unless provisions are made to protect such pipe from freezing, including but not limited to wrap-on insulation or heat tape tracer line or wire.

b) Size of Water Distribution Pipes. The fixture supply for each fixture shall be at least the minimum size provided in Appendix A, Table D. The size of all other water distribution pipes shall be determined by calculating the water supply demand (in water supply fixture units) for that portion of the water distribution system served by the pipe. Using Appendix A, Tables M, N, O, P and Q, the cumulative water supply demand or load shall be calculated for all fixtures, piping, valves

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

and fittings served by the water distribution pipe, and the pipe shall meet the minimum size provided in Appendix A, Table N or O, as applicable. Exception: As an alternative to using Tables M, N, O, P, and Q to design and size the piping in the water distribution system, the system may be designed and sized employing current engineering practices, provided the design/plans are approved in writing by an Illinois licensed professional engineer, an Illinois licensed architect or an individual Certified in Plumbing Engineering (C.I.P.E) by the American Society of Plumbing Engineers and approved in writing by the Department.

c) Minimum Water Pressure. The minimum constant water service pressure on the discharge side of the water meter shall be (at least) 20 p.s.i.; and the minimum constant water pressure at each fixture shall be at least eight (8) p.s.i. or the minimum recommended by the fixture manufacturer.

d) Auxiliary Pressure. Supplementary Tank. If the pressure in the system is below the minimum 8 p.s.i. at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank of a capacity to supply sections of the building installation which are too high to be supplied directly from the public water main shall be installed.

e) Low Pressure Cut-Off. When a booster pump except those used for fire protection is used on an auxiliary pressure system, there shall be installed a low-pressure cut-off switch on the booster pump to prevent the creation of pressures less than five (5) p.s.i. on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within five (5) feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.

f) Water Hammer. All building water supply systems ~~in which quick-acting valves are installed~~ shall be provided with air chambers or approved mechanical devices or water hammer arrestors to absorb high pressures ~~resulting from the quick-closing of these valves~~. Water pressure absorbers shall be ~~placed as close as possible to the quick-acting valves or~~ be installed at the ends of long pipe runs or near batteries of fixtures.

1) Air Chambers - Where an air chamber is installed in a fixture supply, it shall be at least twelve (12) inches in length and at least the same size as the fixture supply. Where an air chamber is installed in a riser, it shall be at least 24 inches in length and at least the same size as the riser.

2) Mechanical Devices - Where a mechanical device or water hammer arrestor is used, the manufacturer's specifications for location and installation shall be followed.

g) Excessive Static Water Pressure.

1) When water main pressure exceeds 80 p.s.i., a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in the water service pipe near the entrance to the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

building to reduce the water pressure to 80 p.s.i. or lower, except where the water service pipe supplies water directly to a water pressure booster system, an elevated water tank, or to pumps provided in connection with a hydro pneumatic or elevated water supply tank system. Sill cocks and outside hydrants may be left on full water main pressure.

2) When the water pressure exceeds 80 p.s.i. at any plumbing fixture, a pressure reducing valve and a strainer with a by-pass relief valve shall be installed in a water supply pipe serving the fixture to reduce the water pressure at the fixture to 80 p.s.i. or lower.

h) Approval of Auxiliary Pressure Systems. Whenever in any building, structure, or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, plans of such installation shall be approved by the Department prior to installation in accordance with Section 890.1940.

i) Variable Street Pressures. When the water main has a wide fluctuation in pressure, the water distribution system shall be designed for minimum pressure available at the main.

(Source: Amended at 22 Ill. Reg. 21540 effective DEC 1 1998)

Section 890.1230 Safety Devices

a) All equipment used for heating water or storing hot water shall be provided, at the time of installation of such equipment, with an appropriate relief valve or valves to protect against excessive or unsafe temperature and/or pressure. This shall be achieved by installing either a pressure relief valve and a temperature relief valve or by installing a combination pressure-temperature relief valve.

b) Pressure and Temperature Relief Valves.

1) Pressure Relief Valves. Pressure relief valves shall have an ASME relief rating to meet the pressure conditions specified on the equipment served. They shall be installed in the cold water supply line to the heating equipment served, except where scale formation from hard water may be encountered, in which case they shall be installed in the hot water supply line from the heating equipment served. There shall not be a shut-off valve between the pressure relief valve and the tank. Except where an alternate design is approved by the Department in writing pursuant to Section 890.140(a)(2) or 890.1940, the pressure relief valve must be set to open at a maximum of the working pressure rating of the water heater, but shall not exceed 150 p.s.i. Each pressure relief valve shall have a test lever.

2) Temperature Relief Valves. Temperature relief valves shall bear

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

purpose. (The use of a light grade oil in the trap will retard evaporation.)

- e) Pressure Marking - Hot Water Storage Tank. Hot water storage tanks shall be permanently marked in an accessible place with the maximum allowable working pressure.
- f) Vacuum Relief Valve. Where a hot water storage tank or water heater is located at an elevation above the fixture outlets in the hot water system, or if the storage tank or water heater is bottom fed, a vacuum relief valve as listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices"), shall be installed on the storage tank or heater.
- g) Multiple Temperature Hot Water Systems. Such systems shall be provided with thermostatic mixing valves to properly control the desired temperatures.
- h) Shower Compartments and Shower-Bath Combinations. All shower compartments and shower-bath combinations shall be provided with an automatic safety water mixing device to prevent sudden unanticipated changes in water temperature or excessive water temperatures. The automatic safety water mixing device shall be either thermostatic, pressure balance, or combination controlled, in accordance with ANSI/ASSE 1016-1990, and designed with a maximum handle rotation limit/stop, adjusted to a maximum setting of one hundred fifteen (115) degrees F. at the time of installation. The temperature of mixed water provided to multi-shower units or gang showers shall be controlled by a master automatic safety water mixing device or the mixed water temperature for such showers shall be individually regulated by automatic safety mixing valves for each shower unit. A hot water heater thermostat shall not be an acceptable alternative water temperature control device. (See Section 890.690(b).)

(Source: Amended DEC 1 1998 at 22 Ill. Reg. 21540, effective 21540)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

an American Gas Association (AGA) relief rating, expressed in British Thermal Units (BTU) of heat input per hour, for the equipment served. They shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank. The valve shall be set to open full when the stored water temperature is 210 degrees Fahrenheit.

- c) Combination Pressure-Temperature Relief Valves.
 - 1) Combination pressure-temperature relief valves shall comply with the applicable requirements as listed in Appendix A, Table A ("Approved Standards for Plumbing Appliances/Appurtenances/Devices") for individual pressure and individual temperature relief valves, and shall be installed so that the temperature sensing element is immersed in the hottest water within the top six (6) inches of the tank and have a test lever.
 - 2) A check valve or shut-off valve shall not be installed between any safety device and the hot water equipment, nor shall there be any shut-off valve in the discharge pipe from the relief valve. (See Appendix I: Illustrations N and O.)
 - 3) Energy cut-off devices shall not be used in lieu of subsections (c) (1) and (2) of this Section and shall be of a design to properly serve the intended use of the plumbing appliance, appurtenance or device. Exception: Instantaneous cut-off devices are exempted or may be used.
- d) Relief Discharge Outlet.
 - 1) A relief discharge outlet shall be indirectly connected to waste. The discharge pipe from the relief valve shall not be located so as to create a safety hazard or to discharge in such a way as to cause damage to the building or its contents. The relief valve shall not discharge through a wall into the outside atmosphere or where there is a possibility of freezing.
 - 2) No reduced coupling, valve or any other restriction shall be installed in the discharge line of any relief valve that would impede the flow of discharge. The discharge line shall be installed from the relief valve to within six (6) inches of the floor or receptor and the end of such line shall not be threaded.
 - 3) Any piping used for discharge from the relief valve shall be of metallic material and conform with the requirements of Appendix A, Table A ("Approved Materials for Water Distribution Pipe") for potable water piping and shall drain continuously downward to the outlet.
 - 4) The discharge piping shall discharge indirectly into a floor drain, hub drain, service sink, sump or a trapped and vented P-trap which is located in the same room as the water heater. (See Sections 890.1010 and 890.1050(a), (b) and (c).) The trap must have a deep seal to protect against evaporation or shall be fed by means of a priming device designed and installed for that

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890. APPENDIX A Plumbing Materials, Equipment, Use Restrictions and Applicable Standards

Section 890. TABLE A Approved Materials and Standards

Approved Building Drainage/Vent Pipe

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 2661-1987
ASTM F 628-1988
ASTM D 2235-1988
ASTM D 2235-1988
ASTM B 43-1988
ASTM A 74-1987
ASTM A 888-1991
ASTM C 564-1988
CISPI 301-1990
ASTM B 42-1988
ASTM B 302-1988
ASTM B 75-1986
ASTM B 88-1988
ASTM B 251-1988
ASTM B 306-1988
ASTM A 53-1988
ASTM A 120-1984
ASTM C 1053-1985
ASTM A 377-1984
ASTM F 492-1985
ASTM D 1784-1990
ASTM D 2665-1988
ASTM D 2949-1987
ASTM F 891-1990
ASTM D 2855-1983
ASTM F 656-1988
ASTM D 2564-1988
ASTM D 3222-1988
ASTM B 32-1989
- 2) Joints
Solvent Cement(1)
- 3) Brass Pipe
- 4) Cast Iron Pipe
- 5) Copper/Copper Alloy Pipe
- 6) Copper/Copper Alloy Tubing
(K-L-M or DWV)(2)
- 7) Galvanized Steel Pipe(2)
- 8) Glass Fiber Borosilicate Pipe(3)
- 9) High Silicon Content Cast Iron Pipe(3)
- 10) Polypropylene Pipe (3)
- 11) Polyvinyl Chloride (PVC) Clear Pipe(3)
- 12) Polyvinyl Chloride (PVC) Pipe and Fittings
- 13) Polyvinyl Chloride (PVC) Pipe with Cellular Core(4)
- 14) Joints
Primer
Solvent Cement(1)
- 15) Polyvinylidene Fluoride (3)
- 16) Solder

Agency Notes:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.
- (2) Type M copper tubing, DWV copper tubing, and galvanized steel pipe are approved for above-ground uses only.
- (3) Approved for corrosive waste or corrosive soil conditions.
- (4) PVC pipe with cellular core is approved only for gravity drainage and venting. It is not approved for pressurized drain, waste or venting applications.

Section 890. TABLE A--

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Approved Materials for Building Sewer

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 2661-1987
ASTM D 2751-1988
ASTM F 628-1988
ASTM D 2235-1988
ASTM D 2235-1988
ASTM C 428-1981
ASTM D 1861-1988
ASTM D 1862-1988
ASTM A 74-1987
CISPI 301-1990
CISPI 310-1990
ASTM C 564-1989
ASTM A 88-1986
ASTM C 14-1988
ASTM C 76-1988
ASTM D 2665-1988
ASTM D 2949-1987
ASTM D 3034-1988
ASTM D 2855-1983
ASTM F 656-1988
ASTM D 2564-1988
ASTM C 4-1981
ASTM C 700-1988
ASTM B 32-1989
- 2) Joints
Solvent Cement(1)
- 3) Asbestos Cement Pipe
- 4) Bituminized Fiber Pipe
- 5) Cast Iron Soil Pipe/Fittings
- 6) Hubless Soil Pipe
- 7) Rubber Gaskets
- 8) Copper/Copper Alloy Tubing
- 9) Concrete Pipe
- 10) Polyvinyl Chloride (PVC) Pipe
- 11) Joints
Primer
Solvent Cement(1)
- 12) Vitrifified Clay Pipe Pressurized by a Pump or Ejector is Prohibited
- 13) Solder

Agency Note:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.

Section 890. TABLE A--

Approved Materials for Water Service Pipe

- 1) Acrylonitrile Butadiene Styrene (ABS) Pipe
ASTM D 1527-1988
ASTM D 2282-1988
ASTM D 2235-1988
ASTM D 2235-1988
ASTM B 43-1988
ASTM A 377-1984
- 2) Joints
Solvent Cement(1)
- 3) Brass Pipe
- 4) Cast Iron (ductile iron) Water Pipe
- 5) Chlorinated Polyvinyl Chloride (CPVC) Pipe
- 6) Joints
Solvent Cement (Orange)(1)
- 7) Copper/Copper Alloy Pipe

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- (2) Cross Linked Polyethylene is approved only for above-ground use.

Section-890-TABLE A--**Approved Materials and Standards for Plumbing Fixtures and Fixture Fittings**

- 1) Bathtub Liners (plexiglass/ABS or acrylic/plastic) ANSI Z124.8-1990
 2) Bathtubs, Plastic ANSI Z124.1-1987 and ANSI Z124.1a & b-1990
 3) Bidets ASME/ANSI A112.19.2M-1990
 4) Enameled Cast Iron Plumbing Fixtures ASME/ANSI A112.19.1M-1987
 5) Fittings: ASME/ANSI A112.18.1M-1989
 Plumbing Fixture Fittings (metering valves, faucets, etc.) ASME/ANSI A112.19.8M-1987
 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathtub Appliances
 6) Floor Drains ANSI A112.21.1M-1980(R1990)
 7) Flushometer Bowls ASME/ANSI A112.19.2M-1990
 8) Flushometers ANSI/ASSE 1037-1990
 9) Grease Interceptors PDI (G101) 1985
 10) Low Consumption (1.6 gpf) Water Closets(1) ASME/ANSI A112.19.2M-1990
 11) Plastic-Bathtubs ANSI-Z124.1-1987-and ANSI-Z124.1a-and-b-1990
 12) Plastic Lavatory ANSI Z124.3a-1990
 13) Plastic Shower Receptors/Shower Stalls ANSI Z124.2a-1990
 14) Plastic Water Closets Bowls/Tanks ANSI Z124.4-1986 and ANSI Z124.4a-1990
 15) Porcelain Enameled Formed Steel Plumbing Fixtures, including Bathtub Liners ASME/ANSI A112.19.4M-1984
 16) Stainless Steel Plumbing Fixtures (Residential) ASME/ANSI A112.19.3M-1987
 17) Vitreous China Plumbing Fixtures ASME/ANSI A112.19.2M-1990
 18) Whirlpool Bathtub Appliances ASME/ANSI A112.19.7M-1987

Agency Notes:

The water pressure at each fixture installation shall meet the manufacturer's minimum recommended level for the fixture.

- (1) Low-consumption-(1.6-gpf)-water-closets--are--ONLY--APPROVED--FOR--SINGLE-FAMILY-RESIDENTIAL--USE.

Section-890-TABLE A--

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) Copper/Copper Alloy Tubing ASTM B 302-1988
 7) Galvanized Steel Pipe ASTM B 88-1988
 ASTM A 53-1988
 8) Poly Butylene (PB) Pipe/Tubing ASTM A 120-1984
 ASTM D 2662-1988
 ASTM D 2666-1988
 9) Polyethylene (PE) Pipe ASTM D 3309-1988
 10) Polyethylene (PE) Tubing ASTM D 2239-1988
 11) Polyvinyl Chloride (PVC) Pipe ASTM D 2737-1988
 ASTM D 1785-1988
 ASTM D 2241-1988
 ASTM D 2672-1988
 ASTM D 2855-1983
 ASTM F 656-1988
 ASTM D 2564-1988
 12) Welded Copper Water Tube ASTM B 447 WK,
 WL, and WM-1989
 13) Solder ASTM B 32-1989

Agency Note:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.

Section-890-TABLE A--**Approved Materials for Water Distribution Pipe**

- 1) Brass Pipe ASTM B 43-1988
 2) Chlorinated Polyvinyl Chloride (CPVC) Pipe/Tubing ASTM D 2846-1988
 ASTM F 441-1988
 ASTM F 442-1988
 ASTM D 2846-1988
 ASTM F 493-1988
 ASTM B 42-1988
 ASTM B 302-1988
 ASTM B 88-1988
 ASTM F 876-1990
 ASTM F 877-1989
 ASTM A 53-1988
 ASTM A 120-1984
 ASTM D 3309-1988
 ASTM B 447 WK,
 WL, and WM-1989
 3) Solder ASTM B 32-1989

Agency Notes:

- (1) Solvent cement must be handled in accordance with ASTM F 402-1988.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Approved Standards for Plumbing
Appliances/Appurtenances/Devices

- 1) Anti-Backflow Freezeless Wall Hydrants ANSI/ASSE 1019-1978
- 2) Anti-Scald Control Valve ANSI/ASSE 1016-1990
- 3) Anti-siphon Self Drawing Frost Proof Sillcock ANSI/ASSE 1019-1978
NSF Std. #12-1987
- 4) Automatic Ice Making Equipment
- 5) Automatic Storage Type Water Heater
Less Than 75,000 BTU/HR ASHRAE 90A-1980/
ANSI Z21.10.1a-1991
ASME/ANSI A112.14.1-1986
ANSI Z21.10.1a-1991/UL 499
ANSI Z21.10.3a-1990/UL 174-1977
- 6) Back Water Valves
- 7) Circulating Tank, Instantaneous
- 8) Circulating Tank, Instantaneous, Automatic
- 9) Detergent/Chemical Feeders for Commercial Use NSF Std. #29-1987
- 10) Dishwashing Machine (Commercial) ANSI/ASSE 1004-1990
- 11) Dishwashing Machine (Residential) ANSI/ASSE 1006-1986
- 12) Diverters for Residential-Anti-Siphon ASME 1025-1978
- 13) Double Check Detector Assembly ANSI/ASSE 1048-1990
- 14) Double Check With Atmospheric Vent ASSE 1012-1978
- 15) Double Check Valve Assembly ASSE 1015-1988
- 16) Drinking Fountains ARI 1010-1985 or
ANSI A112.19.2M-1990
- 17) Drinking Water Treatment Units-Health Effects NSF Std. #53-1982
- 18) Drinking Water Treatment Units-Aesthetic Effects NSF Std. #42-1982
NSF Std. #60-1986
ANSI/ASSE 1024-1990
ASSE 1032-1980
- 19) Drinking Water Treatment Chemicals
- 20) Dual Check Valve
- 21) Dual Check Valve (Carbonated Beverage) (Relief Port Required)
- 22) Food Waste Disposal (Commercial) ANSI/ASSE 1009-1990
- 23) Food Waste Disposal (Residential) ASSE 1008-1986
- 24) Gas Water Heater Above 75,000 BTU ANSI Z21.10.3a-1990/AGA
- 25) Gas Water Heater 75,000 BTU or Less ANSI Z21.10.1a-1991/AGA
- 26) Gas Water Heater (Continuous Use) ANSI Z21.10.1a-1991
- 27) Gas Water Heater - Space Heating ANSI Z21.10.1a-1991
PDI-G 101-1985
- 28) Grease Interceptors ASSE 1014-1990
- 29) Handheld Showers ASSE 1007-1986
- 30) Home Laundry Equipment
- 31) Hot Water Dispensers-Electrical ANSI/ASSE 1023-1979
- 32) Hot Water Generating/Heat Recovery Equipment NSF Std. #5-1983
UL 563-1975
- 33) Ice Makers
- 34) Mixing Valves ANSI/ASSE 1016-1990
- Individual Thermostatic Pressure Balancing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- and Combination Control Valves ASSE 1017-1986
 - Temperature Actuated Mixing Valves, Domestic Use UL 732-1975/ASSE 1975
 - 35) Oil Fired Water Heaters ANSI Z21.22-1986
 - 36) Pressure Relief Valve ANSI/ASSE 1037-1990
 - 37) Pressurized Flushing Device ANSI/ASSE 1047-1990
 - 38) Reduced Pressure Detector Assembly
 - 39) Reduced Pressure Principle Backflow Preventer ASSE 1013-1988
 - 40) Refuse Compactors/Compactor System NSF Std. #13-1987
 - 41) Relief Valves For Hot Water System ANSI Z21.22-1986
 - 42) Reverse Osmosis Drinking Water Treatment System NSF Std. #58-1986
 - 43) Spray Type Dishwashing Machine NSF Std. #3-1989
for Commercial Use ASSE 1018-1986
 - 44) Trap Seal Primer Valve ANSI/ASSE 1001-1990
 - 45) Vacuum Breakers, Anti-siphon ANSI/ASSE 1011-1982
 - 46) Vacuum Breakers Hose Connection ANSI/ASSE 1035-1984
 - 47) Vacuum Breaker (Laboratory Faucet) ASSE 1020-1989
 - 48) Vacuum Breakers Pressure Type ANSI Z21.22-1986
 - 49) Vacuum Relief Valve NSF Std. #25-1987
 - 50) Vending Machine for Food/Beverage ASSE 1002-1986
 - 51) Water Closet Tank Ball Cock ASSE 1010-1982
 - 52) Water Hammer Arresters ASSE 1005-1986
 - 53) Water Heater Drain Valve ANSI/ASSE 1003-1982
 - 54) Water Pressure Reducing Valves (Domestic)
- Section-890-TABLE A--**
- Approved Standards for Fittings**
- 1) Cast Iron Threaded Drainage Fittings ASME/ANSI B16.12-1991
 - 2) Cast Copper Alloy Solder Pressure Fittings ANSI B16.18-1984
 - 3) Cast Copper Alloy Solder Drainage Fitting (DWV) ANSI B16.23-1984
 - 4) Copper Fittings ASME B16.15-1985
ANSI B16.18-1984
ASME/ANSI B16.22-1989
ANSI B16.23-1984
ASME/ANSI B16.26-1988
ASME/ANSI B16.29-1986
ASME/ANSI B16.32-1984
ASME/ANSI B16.11-1991
 - 5) Forged Steel Fittings, Socket, Welded, Threaded
 - 6) Gray Iron/Ductile Iron
 - 7) Malleable Iron
 - 8) Plastic AWWA C 110-1987
AWWA C 151-1986
ASME/ANSI B 16.3-1985
ASTM D 2466-1988

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 890. TABLE B Minimum Number of Plumbing Fixtures

Type of Building	All Facilities for Employee Use	Single Dwelling or Unit of Multiple Dwelling; Condo. or Apartment; or Hotel/Motel Unit
	Male	Female
Water closets (Fixtures per person)	For 1-5 Employees See Section 890.810(b)(1)	Total 1 per dwelling or unit
	1: 1- 15	1: 1- 15
	2: 16- 35	2: 16- 35
	3: 36- 55	3: 36- 55
	4: 56- 80	4: 56- 80
	5: 81-110	5: 81-110
	Over 110, add 1 fixture per restroom for each additional 40 males/females.	
	(See Footnote #1)	

Urinals	See footnote #2	See footnote #2	None
Lavatories(3) (Fixtures per person)	1: 1- 15	1: 1- 15	1 per dwelling or unit
	2: 16- 35	2: 16- 35	
	3: 36- 60	3: 36- 60	
	Over 60, add 1 fixture per restroom for each additional 45 males/females.		
Bathtubs/Shower	1 per 10(7) (If Required)	1 per 10(7)	1 per dwelling or unit
Drinking fountains (4) (Fixtures per person)	1 per 75		None
Other Fixtures(5)	None		1 Double Kitchen Sink; 1 Laundry Tray or 1 Automatic Connection

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- ASTM D 2467-1988
ASTM D 2468-1988
ASTM D 2564-1988
ASTM D F409-1988
ASTM D F438-1988
ASTM D F439-1988
ANSI A112.18.1M-1989
- 9) Plumbing Fixture Fittings
(Metering valves, faucets, etc.)
- 10) Steel
- ASTM/ANSI B 16.9-1986
ASTM/ANSI B 16.11-1991
ASTM/ANSI B 16.28-1986
ASTM/ANSI B 16.22-1989
- 11) Wrought Copper/Bronze Solder Pressure Fitting
- 12) Wrought Copper and Wrought Copper Alloy Solder
[Drainage Fittings]
- ASTM/ANSI B16.29-1986
ASTM/ANSI B16.22-1989
ASTM/ANSI B16.9-1986
ASTM/ANSI B16.28-1986
- 13) Wrought Steel Buttwelding Fittings
- 14) Wrought Steel Buttwelding Short Radius Ells
- (Source: Amended, 22 Ill. Reg. 21540, effective DEC 1 1998)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Laundry Washing
Machine For
each 4 units
for-Washers(5)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Type of Building	Assembly Places: Sports Arenas, Stadiums, Convention Halls, Etc.	
	Dormitories	Convention Halls, Etc.
	Male	Female
Water Closet (Fixtures per person)	1 per 10 Add 1 fixture for each additional 25 males over 10; and 1 for each additional 20 females over 8.	1: 1-100 2: 101-150 3: 151-200 4: 201-300 5: 301-400 6: 401-500 7: 501-650 8: 651-800 Over 800, add 1 fixture for each additional 700 males and 1 for each 200 females. See Footnote #1
Urinals (Fixtures per person)	1 per 25 Over 150, add 1 fixture for each 50 males added; over 400, add 1 for each 200 males added.(2)	1: 1-100 2: 101-200 3: 201-400 4: 401-600 Over 600, add 1 fixture for each additional 250 persons. See Footnote #1
Lavatories(3) (Fixtures per person)	1 per 12 Over 12, add 1 fixture for each additional 20 males and 1 for each 15 females.	1: 1-200 2: 201-400 3: 401-750 Over 750, add 1 fixture per restroom for each added 400 males/females.
Bathtubs, Showers (Fixtures per person)	1 per 8 For females, add 1 bathtub per 30; over 150, add 1 per 50.	None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Type of Building	Assembly Places: Sports Arenas, Stadiums, Convention Halls, Etc.	
	Male	Female
Drinking Fountains(4) (Fixtures per person)	1 per 75	1:1-100 Over 100, add 1 for each added 150; over 1000 add 1 for each added 500; over 5000, add 1 for each added 1000.
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink per floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Type of Building	Assembly Places: Theaters, Auditoriums, Other Facilities for Spectator Events		Mercantile Units, Malls, Stores, Etc.	
	Male	Female	Male	Female
Water Closet (Fixtures per person)	1: 1-100 2:101-200 3:201-400 4:400-800	2: 1-100 3:101-150 4:151-200 5:201-300 6:301-400 7:401-500 8:501-650 9:651-800	1: 1-100 2:101-200 3:201-400 4:400-800	2: 1-100 3:101-150 4:151-250 5:251-350 6:351-500 7:501-650 8:651-800
	Over 800, add 1 fixture for each additional 400 males and 1 for each 170 females. See Footnote #1	Over 800, add 1 fixture for each additional 500 males and 1 for each 175 females. See Footnote #1	Over 800, add 1 fixture for each additional 500 males and 1 for each 175 females. See Footnote #1	Over 800, add 1 fixture for each additional 500 males and 1 for each 175 females. See Footnote #1
Urinals (Fixtures per person)	1: 1-100 2:101-200 3:201-400 4:401-600 Over 600, add 1 fixture for each additional 300 males.	See Footnote #2	1: 1-200 2:201-400 3:401-600 4:601-800 Over 800, add 1 fixture for each additional 300 males.	See Footnote #2
Lavatories(3) (Fixtures per person)	1: 1-200 2:201-400 3:401-750 Over 750, add 1 fixture per restroom for each added 400 males/females.		1:1: 1-200 2:2:201-400 3:3:401-750 Over 750, add 1 fixture per restroom for each added 350 males/females.	1: 1-200 2:201-400 3:401-750 Over 750, add 1 fixture per restroom for each added 350 males/females.
Drinking Fountains(4) (Fixtures per person)	1: 1-100 Over 100, add 1 for each added 150; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000		1: 1-100 i-per-75 Over 100, add 1 for each added 150; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.	1: 1-100 i-per-75 Over 100, add 1 for each added 150; over 1000, add 1 for each added 500; over 5000, add 1 for each added 1000.
Other Fixtures (Fixtures per person)	1 Service Sink per Floor		1 Service Sink per Floor	1 Service Sink per Floor

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Type of Building	Worship Places and Funeral Homes	Businesses Selling Motor Fuel to the Public (10)
	Male (See Footnote #1)	Female (See Footnote #1)
Water Closets (Fixtures per person)	1 per 250 1 per 125	1 per station 1 per station
Urinals (Fixtures per person)	1 per 250 See Footnote #2	None
Lavatories(3) (Fixtures per person)	1 per 125 1 per 125	1 per station 1 per station
Other Fixtures (Fixtures per person)	1 Service Sink	None

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Type of Building	Office Buildings/ Public Buildings	Restaurants, Pubs, Lounges, Nightclubs, and Places Serving Food or Liquid to be Consumed on the Premises (8)		
	Male	Female	Male	Female
Water Closet (Fixtures per person)	1: 1-15 2: 16-35 3: 36-55 4: 56-80 5: 81-110 Over 110, add 1 fixture per restroom for each additional 40 males/ females. See Footnote #1	1: 1-15 2: 16-35 3: 36-55 4: 56-80 5: 81-110 Over 110, add 1 fixture per restroom for each additional 40 males/ females. See Footnote #1	1: 1-100 2: 101-300 Over 300, add 1 fixture for each additional 200 males and 1 fixture per each 100 females. See Footnote #1.	1: 1-50 2: 51-100 3: 101-150 4: 151-300 Over 300, add 1 fixture for each additional 200 males and 1 fixture per each 100 females. See Footnote #1.
Urinals (Fixtures per person)	See Footnote #2	See Footnote #2	1: 1-150 Over 150, add 1 fixture for each added 150 males.	1: 1-50 Over 50, add 1 fixture for each added 50 males.
Lavatories (3) (Fixtures per person)	1: 1-15 2: 16-35 3: 36-60 4: 61-90 5: 91-125 Over 125, add 1 fixture per restroom for each additional 45 males/ females. See Footnote #1	1: 1-15 2: 16-35 3: 36-60 4: 61-90 5: 91-125 Over 125, add 1 fixture per restroom for each additional 45 males/ females. See Footnote #1	1: 1-100 2: 101-200 3: 201-400 Over 400, add 1 fixture per restroom for each additional 200 males/ females. See Footnotes #1 and #6	1: 1-100 2: 101-200 3: 201-400 Over 400, add 1 fixture per restroom for each additional 200 males/ females. See Footnotes #1 and #6
Drinking Fountains (4) (Fixtures per person)	1 per 75	None		
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink and 1 3-Compartment Sink as required by 77 Ill. Adm. Code 750 See Footnote #6		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Type of Building	Schools-Student Use:		Schools-Student Use:	
	Nursery, Elementary		Secondary, Colleges, Universities, Adult Centers, etc.	
	Male	Female	Male	Female
Water Closets (Fixtures per person)	1:1-20 2:21-50 Over 50 add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1:1-20 2:21-50 Over 50 add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1 per 40 See Footnote #1	1 per 20 See Footnote #1
Urinals (Fixtures per person)	See Footnote #2	See Footnote #2	1 per 35	See Footnote #2
Lavatories(3) (Fixtures per person)	1:1-25 2:26-50 Over 50, add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1:1-25 2:26-50 Over 50, add 1 fixture per restroom for each additional 50 persons. See Footnote #1	1 per 40 1 per exercise room	1 per 40
Drinking Fountains(4) (Fixtures per person)	1 per 75	1 per 75	1 per 75	
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink per floor	1 Service Sink per floor	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Type of Building	Day Care Centers (All Ages)	
	Male	Female
Water Closets (Fixtures per person)	1: 1-10 2: 11-25 3: 26-50 4: 51-75 5: 76-100 6:101-125 7:126-150 8:151-175 Over 175: Add a fixture per restroom for each additional males/females. See Footnote #1	1: 1-10 2: 11-25 3: 26-50 4: 51-75 5: 76-100 6:101-125 7:126-150 8:151-175 Over 175: Add a fixture per restroom for each additional males/females. See Footnote #1
Urinals (Fixtures per person)	See Footnote #2	See Footnote #2
Lavatories(3) (Fixtures per person)	1: 1- 10 2: 11- 25 3: 26- 50 4: 51- 75 5: 76-100 6:101-125 7:126-150 8:151-175 Over 175: Add a fixture per restroom for each additional males/females. See Footnote #1	1: 1- 10 2: 11- 25 3: 26- 50 4: 51- 75 5: 76-100 6:101-125 7:126-150 8:151-175 Over 175: Add a fixture per restroom for each additional males/females. See Footnote #1
Drinking Fountains(4) (Fixtures per person)	1 per 75	1 per 75
Other Fixtures	1 Service Facility	1 Service Sink Per Facility

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Type of Building	Hospital Individual Room	Hospitals Ward Room
Water Closets (Fixtures per person)	1 per room	1 per 8 patients
Urinals (Fixtures per person)	None	None
Lavatories(3) (Fixtures per person)	1 per room	1 per 8 patients
Bathtubs, Showers (Fixtures per person)	1 per room	1 per 8 patients
Drinking Fountains(4) (Fixtures per person)	None	1 per 75
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink per floor

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Type of Building	Institutional-Other than Hospitals or Penal Institutions (on each floor)	Penal Institutions For Prisoner Use Cells or Dormitories
	Male	Female
Water Closets (Fixtures per person)	1 per 25	1 per 20
Urinals (Fixtures per person)	1 per 50(#2)	See Footnote #2
Lavatories(3) (Fixtures per person)	1 per 10	1 per 10
Bathtubs/Showers (Fixtures per person)	1 per 8	1 per 8
Drinking Fountains(4) (Fixtures per person)	1 per 75	1 per 75
Other Fixtures (Fixtures per person)	1 Service Sink per floor	1 Service Sink per floor

1 per cell
1 per 8 in a dormitory

None

1 per cell
1 per 8 prisoners in a dormitory

1 per 8 prisoners

1 per 75 prisoners

1 Service Sink per floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Instructions/Footnotes For Table B

The numbers of fixtures required for employees are included in the numbers shown in Table B for all building types/uses except Hospital Rooms, Penal Institutions, and Other Institutions. The entry in Table B entitled "All Facilities for Employee Use" shall be used to determine the minimum number of fixtures required for employees in hospitals, penal/other institutions, and all other buildings/facilities that do not appear in Table B.

Questions concerning the minimum numbers of fixtures required for building types not listed in Appendix A, Table B, shall be referred to the Department in writing prior to construction for a decision concerning the minimum numbers (and types) of plumbing fixtures required.

Footnotes:

1. The figures shown are the minimum number of fixtures required for the number of persons indicated or any fraction thereof. Based on the total occupant load determined, the number of fixtures shall be calculated assuming fifty (50) percent of the occupants are male and fifty (50) percent are female. The total male/female occupants shall be calculated first; then the number of fixtures for each (males/females) shall be determined from the appropriate table.
2. Urinals may be substituted for water closets for males, not to exceed one-half (1/2) of the required total number of water closets. Comparable fixtures for females may be substituted for water closets for females, not to exceed one-half (1/2) of the required total number of water closets.
3. 18 lineal inches of wash sink or 18 inches of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.
4. Whenever a drinking fountain is required by this code, bottled drinking water or a water dispensing faucet (water station) may be substituted for a drinking fountain, provided it is readily accessible to the public. When bottled drinking water is provided in lieu of a drinking fountain, the bottled water used must be commercially sealed in accordance with the Illinois "Bottled Water Act" (Ill. Rev. Stat. 1991, ch. 111 1/2, par 121.100 et seq.) [815 ILCS 310] or must comply with the Department's "Public Area Sanitary Practice Code" (77 Ill. Adm. Code 895).
5. The kitchen sink and laundry tray or connection for the washer are not required for the hotel/motel unit.
6. In addition to providing separate handwashing facilities in the kitchen for employees, all restaurants shall provide a minimum of one (1) service/utility sink and one three-compartment sink to sanitize dishes and eating utensils; however, a mechanical dishwasher may be substituted for a three-compartment sink to sanitize dishes and utensils. (See 77 Ill. Adm. Code 750.)
7. When bathtubs/showers are required for employees by OSHA requirements, collective bargaining agreements, etc., they shall be provided at the rate of 1 per 10 employees.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

8. Restaurants with no more than ten (10) combined employees and seats (for patrons) at any one time need not provide public restrooms, provided the employee restroom(s) is (are) accessible and made available to the public.
9. Bed and Breakfast facilities with more than five sleeping rooms shall meet the minimum requirements of this Part for Hotel/Motel units. Bed and Breakfast facilities with 5 or fewer sleeping rooms, in conformance with P.A. 85-0399, need not provide individual restrooms for each sleeping room.

10. Businesses which sell motor fuel but do not have any employees working as attendants are not required to provide public restrooms.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1998)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 890. TABLE M Load Values Assigned to Fixtures
Load Values Assigned to Fixtures

Fixture	Occupancy	Type of Supply Control	Load Values in Water (Supply Fixture Units)		
			Cold	Hot	Total
Water Closet	Public	Flush Valve	10	-	10
Water Closet	Public	Flush Tank	5	-	5
Urinal	Public	1" Flush Valve	10	-	10
Urinal	Public	3/4" Flush Valve	5	-	5
Urinal	Public	Flush Tank	3	-	3
Lavatory	Public	Faucet	1.5	1.5	2
Bathub	Public	Faucet	3	3	4
Shower Head	Public	Mixing Valve	3	3	4
Service Sink	Offices, etc.	Faucet	2.25	2.25	3
Kitchen Sink	Hotel/Restaur. Office, etc.	Faucet	3	3	4
Drinking Fountain	Private	3/8" Valve	0.25	-	0.25
Water Closet	Private	Flush Valve	6	-	6
Water Closet	Private	Flush Tank	3	-	3
Lavatory	Private	Faucet	0.75	0.75	1
Bathub	Private	Faucet	1.5	1.5	2
Shower Stall	Private	Mixing Valve	1.5	1.5	2
Kitchen Sink	Private	Faucet	1.5	1.5	2
Laundry Trays (1 to 3)	Private	Faucet	2.25	2.25	3
Combination Fixture	Private	Faucet	2.25	2.25	3
Dishwashing Machine	Private	Automatic	-1	-1	1
Laundry Machine (8 lb)	Private	Automatic	1.5	1.5	2
Laundry Machine (8 lb)	Public/General	Automatic	2.25	2.25	3
Laundry Machine (8 lb)	Public/General	Automatic	3	3	4
Laundry Machine (16 lb)	Public/General	Faucet	5	-	5

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

General

Note: For fixtures not listed, loads shall be assumed by comparing the fixtures to one listed using water in similar quantities and at similar rates. The assigned loads for fixtures with both cold and hot water supplies are given for separate cold and hot water loads and for total load.

Where a unit of local government or the community public water supply does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute).

Fire sprinkler systems are exempt from this table.

(Source: Amended at 22 Ill. Reg. effective
DEC 1 1998 21540)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890. TABLE N Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

W.S.F.U.	Demand (GPM)	Pipe Size (Inches)	Pressure		Velocity (ft./Sec.)	Meter Size (Inches)
			Loss (PSI/100' of Pipe)			
2	2	1 1/2"	4.2	2.7	5/8"	
4	3	1 1/2"	8.7	4.2	5/8"	
6	5	1 1/2"	22.5	7.0	5/8"	
8	6.5	3/4"	6.3	4.3	5/8"	
10	8	3/4"	9.0	5.4	3/4"	
12	9.2	3/4"	11.5	6.1	3/4"	
14	10.4	3/4"	15.0	6.9	3/4"	
16	11.6	3/4"	18.0	7.7	3/4"	
20	14	1"	7.2	5.6	3/4"	
25	17	1"	10.0	6.6	3/4"	
30	20	1"	13.6	8.0	1"	
35	22.5	1 1/4"	5.8	5.7	1"	
40	25	1 1/4"	7.0	6.3	1"	
45	27	1 1/4"	8.2	6.9	1"	
50	29	1 1/4"	9.5	7.4	1"	
60	32	1 1/2"	5.0	5.8	1 1/2"	
70	35	1 1/2"	6.2	6.4	1 1/2"	
80	38	1 1/2"	7.0	7.2	1 1/2"	
90	41	1 1/2"	8.0	7.5	1 1/2"	
100	43.5	1 1/2"	8.7	7.8	2"	
120	48	2"	2.7	5.0	2"	
140	52.5	2"	3.1	5.4	2"	
160	57	2"	3.6	5.8	2"	
180	61	2"	3.9	6.1	2"	
200	65	2"	4.5	6.6	2"	
225	70	2"	5.2	7.1	2"	
250	75	2"	6.0	7.7	3"	
275	80	2 1/2"	2.6	5.5	3"	
300	85	2 1/2"	2.9	5.8	3"	
350	95	2 1/2"	3.5	6.5	3"	
400	105	2 1/2"	4.2	7.1	3"	
450	115	2 1/2"	5.0	8.0	3"	
500	125	3"	2.3	5.9	3"	
600	145	3"	3.1	6.8	4"	

Agency Notes:

Where a unit of local government or the community public water supply does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute).

Meter and meter yoke sizes shown in this table shall apply only to those jurisdictions or governmental units where local ordinances or community public water supply requirements do not prescribe specific sizes of meters and/or meter yokes. Where local ordinances or community public water supply requirements cover such sizing, those requirements shall be followed.

(Source: Amended at 22 Ill. Reg. 21540, effective DEC 1 1996)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flush Tanks

W.S.F.U.	Demand (GPM)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)
			(PSI/100' of Pipe)			
750	170	3"	4.0	8.0	4"	
1000	208	4"	1.5	5.7	4"	
1250	240	4"	1.9	6.4	4"	
1500	267	4"	2.3	7.0	4"	
1750	294	4"	2.8	7.8	4"	
2000	320	6"	0.36	3.7	6"	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890. TABLE O Water Supply Fixture Units (W.S.F.U.) for a Supply System with Flushometer

Water Supply Fixture Units (W.S.F.U.) for a
Supply System with Flushometer

W.S.F.U.	Demand (GPM)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)
			(PSI/100' of Pipe)	(Ft./100' of Pipe)		
10	27	1 1/4"	8.3	6.8	3/4"	3/4"
12	28.6	1 1/4"	9.2	7.2	3/4"	3/4"
14	30.2	1 1/4"	10	7.9	3/4"	3/4"
16	31.8	1 1/4"	11	8.0	3/4"	3/4"
20	35	1 1/2"	6.0	6.4	1"	1"
25	38	1 1/2"	7.0	6.9	1"	1"
30	41	1 1/2"	8.0	7.4	1"	1"
35	43.8	1 1/2"	8.8	8.0	1"	1"
40	46.5	2"	2.5	4.7	1"	1"
45	49	2"	2.7	5.1	1"	1"
50	51.5	2"	2.9	5.4	1 1/2"	1 1/2"
60	55	2"	3.4	5.8	1 1/2"	1 1/2"
70	58.5	2"	3.7	6.0	1 1/2"	1 1/2"
80	62	2"	4.0	6.2	1 1/2"	1 1/2"
90	64.8	2"	4.6	6.5	1 1/2"	1 1/2"
100	67.5	2"	5.0	6.8	2"	2"
120	72.5	2"	5.6	7.2	2"	2"
140	77.5	2"	6.3	8.0	2"	2"
160	82.5	2 1/2"	2.7	5.7	2"	2"
180	87	2 1/2"	3.0	6.1	2"	2"
200	91.5	2 1/2"	3.4	6.4	2"	2"
225	97	2 1/2"	3.7	6.8	2"	2"
250	101	2 1/2"	4.0	7.1	3"	3"
275	106	2 1/2"	4.2	7.3	3"	3"
300	110	2 1/2"	4.6	7.6	3"	3"
350	119	3"	2.1	5.5	3"	3"
400	126	3"	2.3	5.9	3"	3"
450	138	3"	2.7	6.3	3"	3"
500	145	3"	3.0	6.8	3"	3"
600	160	3"	3.6	7.4	4"	4"
750	178	4"	1.1	4.7	4"	4"
1000	208	4"	1.5	5.6	4"	4"
1250	240	4"	1.9	6.4	4"	4"
1500	267	4"	2.3	7.0	4"	4"

Agency Notes:

Where a unit of local government or the community public water supply does not require separate water service lines for irrigation or similar systems that are likely to impose continuous demands (e.g., lawn sprinkler or air conditioning systems), the following rule applies: estimate the continuous demand (in gallons per minute) for such outlets/systems separately from the intermittent demand from the above fixtures, and add this amount to the demand of the fixtures (in gallons per minute).

Meter and meter yoke sizes shown in this table shall apply only to those jurisdictions or governmental units where local ordinances or community public water supply requirements do not prescribe specific sizes of meters and/or meter yokes. Where local ordinances or community public water supply requirements cover such sizing, those requirements shall be followed.

(Source: Amended at 22 Ill. Reg. 21540, effective
DEC 1 1998)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Water Supply Fixture Units (W.S.F.U.) for a
Supply System with Flushometer

W.S.F.U.	Demand (GPM)	Pipe Size (Inches)	Pressure Loss		Velocity (Ft./Sec.)	Meter Size (Inches)
			(PSI/100' of Pipe)	(Ft./100' of Pipe)		
1750	294	4"	2.8	7.8	4"	4"
2000	321	6"	0.4	3.7	6"	6"

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 890. TABLE P Demand at Individual Water Outlets

Demand at Individual Water Outlets

Type of Outlet	Demand (g.p.m.)
Ordinary Lavatory Faucet	2.0
Self Closing Lavatory Faucet	2.5
Sink Faucet, 3/8" or 1/2"	4.5
Sink Faucet, 3/4"	6.0
Bath Faucet, 1/2"	5.0
Shower Head, 1/2"	5.0
Laundry Faucet, 1/2"	5.0
Ballcock in Water Closet Flush Tank	3.0
1" Flush Valve (25 psi flow pressure)	35.0
1" Flush Valve (15 psi flow pressure)	27.0
3/4" Flush Valve (15 psi flow pressure)	15.0
Drinking Fountain Jet	0.75
Dishwashing Machine (domestic)	4.0
Laundry Machine (8 to 16 pounds)	4.0
Aspirator (operating room or laboratory)	2.5
Hose-Bibb-or-Still-Cock	5.0
(Source: Amended at 22 Ill. Reg. effective	21540,
DEC 1 1998)	

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Heading of the Part: Income Tax

Code Citation: 86 Ill. Adm. Code 100

Section Numbers: Adopted Action:

100.3370 Amendment
100.3380 Amendment

Statutory Authority: 35 ILCS 5/1401(a)

Effective Date of Rulemaking: November 25, 1998

Does this rulemaking contain an automatic repeal date? No

Does this rulemaking contain incorporations by reference? No

A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

Notice of Proposal Published in Illinois Register:

April 24, 1998, 22 Ill. Reg. 7118

Has JCAR issued a Statement of Objections to these rules? No

Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

Will this rulemaking replace an emergency rule currently in effect? No

Are there any amendments pending on this Part? Yes

Section Numbers **Proposed Action** **Illinois Register Citation**

100.9710 New Section 1/2/98, 22 Ill. Reg. 174
100.2470 Amendment 11/6/98, 22 Ill. Reg. 19509

Summary and Purpose of Rulemaking: Under the IITA, most multistate businesses apportion their income between Illinois and the other states in which they do business by the use of the so-called "three-factor formula." Under that formula, the percentage of income apportioned to Illinois is the average of (1) the percentage of the taxpayer's total payroll which is located in Illinois, (2) the percentage of the taxpayer's total property

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

which is located in Illinois, and (3) the percentage of the taxpayer's total sales which are located in Illinois. In computing this average, the "sales" factor is double-weighted. This rulemaking amends the regulatory provision explaining which gross receipts are includable in the sales factor and which gross receipts are deemed to be located in Illinois in order to conform those provisions to amendments to the IITA and to provide guidance in areas not currently addressed in the regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Caselton
Associate Chief Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)

100.3010 Business and Nonbusiness Income (IITA Section 301)

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)

100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General

100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment

100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation

100.3340 Business Income of Persons Other Than Residents (IITA Section 304)

100.3350 Property Factor (IITA Section 304)

100.3360 Payroll Factor (IITA Section 304)

100.3370 Sales Factor (IITA Section 304)

100.3380 Special Rules (IITA Section 304)

100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100
100.7110
100.7120

Withholding Exemption (IITA Section 702)
Withholding Exemption Certificate (IITA Section 702)
Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART S: INFORMATION STATEMENT

Section
100.7200

Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300
100.7310
100.7320
100.7330
100.7340

Returns of Income Withheld from Wages (IITA Section 704)
Quarterly Returns Filed on an Annual Basis (IITA Section 704)
Time for Filing Returns (IITA Section 704)
Payment of Tax Deducted and Withheld (IITA Section 704)
Correction of Under withholding or Overwithholding (IITA Section 704)

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART U: COLLECTION AUTHORITY

Section
100.9000
100.9010

Election to File a Combined Return
Procedures for Elective and Mandatory Filings of Combined Returns
Designated Agent for the Members
Combined Estimated Tax Payments
Claims for Credit of Overpayments
Liability for Combined Tax, Penalty and Interest
Combined Amended Returns
Common Taxable Year
Computation of Combined Income and Tax
Combined Return Issues Related to Audits

SUBPART V: NOTICE AND DEMAND

Section
100.9100

General Income Tax Procedures (IITA Section 901)
Collection Authority (IITA Section 901)

SUBPART W: ASSESSMENT

Section
100.9200
100.9210

Notice and Demand (IITA Section 902)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300
100.9310
100.9320
100.9330

Assessment (IITA Section 903)
Waiver of Restrictions on Assessments (IITA Section 907)

Requirement of Withholding (IITA Section 701)

Compensation Paid in this State (IITA Section 701)

Transacting Business Within this State (IITA Section 701)

Payments to Residents (IITA Section 701)

Employer Registration (IITA Section 701)

Computation of Amount Withheld (IITA Section 701)

Additional Withholding (IITA Section 701)

Voluntary Withholding (IITA Section 701)

Correction of Under withholding or Overwithholding (IITA Section 701)

Reciprocal Agreement (IITA Section 701)

Cross References

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART Y: CREDITS AND REFUNDS

Section
100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents
TABLE A Example of Unitary Business Apportionment
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. **21623**, effective **NOV 25 1998**.

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3370 Sales Factor (IITA Section 304)

a) In general.

1) IITA Section 1501(a)(22) defines the term "sales" to mean all gross receipts of the person not allocated under IITA Sections 301, 302 and 303. Thus, for the purposes of the sales factor of the apportionment formula for each trade or business of the person, the term "sales" means all gross receipts derived by the person from transactions and activity in the regular course of such trade or business. The following are rules for determining "sales" in various situations:

A) In the case of a person engaged in manufacturing and selling or purchasing and reselling goods or products, "sales"

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

includes all gross receipts from the sales of such goods or products (or other property of a kind which would properly be included in the inventory of the person if on hand at the close of the tax period) held by the person primarily for sale to customers in the ordinary course of its trade or business. Gross receipts for this purpose means gross sales less returns and allowances, and includes all interest income, service charges, carrying charges, or time-price differential charges attendant to such sales. Federal and state excise taxes (including sales taxes) shall be included as part of such receipts if such taxes are passed on to the buyer or included as part of the selling price of the product.

- B) In the case of cost plus fixed fee contracts, such as the operation of a government-owned plant for a fee, "sales" includes the entire reimbursed cost, plus the fee.
- C) In the case of a person engaged in providing services, such as the operation of an advertising agency, or the performance of equipment service contracts, or research and development contracts, "sales" includes the gross receipts from the performance of such services including fees, commissions, and similar items.
- D) In the case of a person engaged in renting real or tangible property, "sales" includes the gross receipts from the rental, lease, or licensing of the use of the property.
- E) In the case of a person engaged in the sale, assignment, or licensing of intangible personal property such as patents and copyrights, "sales" includes the gross receipts therefrom.
- F) If a person derives receipts from the sale of equipment used in its business, such receipts constitute "sales". For example, a truck express company owns a fleet of trucks and sells its trucks under a regular replacement program. The gross receipts from the sales of the trucks are included in the sales factor.

2) The following gross receipts are not included in the sales factor:

- A) For taxable years ending on or after December 31, 1995, dividends; amounts included under Section 78 of the Internal Revenue Code; and Subpart F income are excluded from the sales factor under IITA Section 304(a)(3)(D).
- B) Gross receipts that are excluded from or deducted in the computation of federal taxable income or federal adjusted gross income, and that are not added back in the computation of base income. For example, in years ending prior to December 31, 1995, dividends received from a domestic corporation are excluded from the sales factor to the extent the taxpayer is allowed a deduction under Section 243 of the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Internal Revenue Code with respect to such dividends.

- C) Gross receipts that are subtracted from federal taxable income or federal adjusted gross income in the computation of base income or that are eliminated in the computation of taxable income in the case of a unitary business group under 86 Ill. Adm. Code 100.3320(d) or 100.5270(a)(1). Examples of gross receipts excluded from the sales factor under this provision include:

i) Interest on federal obligations subtracted under IITA Section 203(a)(2)(N), (b)(2)(J), (c)(2)(K) or (d)(2)(G).

ii) For taxable years ending prior to December 31, 1995, dividends included in federal taxable income or federal adjusted gross income are excluded from the sales factor if eliminated in combination or to the extent subtracted under IITA Section 203(a)(2)(J), (a)(2)(K), (b)(2)(K), (b)(2)(L), (b)(2)(O), (c)(2)(M), (c)(2)(O), (d)(2)(K) or (d)(2)(M).

D) Gross receipts that are excluded from or deducted in the computation of federal taxable income or federal adjusted gross income, but are added back in the computation of base income, are included in the sales factor unless subtracted or eliminated in combination. For example:

i) Interest on state obligations excluded from income under Section 103 of the Internal Revenue Code and added back in the computation of base income under IITA Section 203(a)(2)(A), (b)(2)(A), (c)(2)(A) or (d)(2)(A) is included in the sales factor except in the case of interest on certain Illinois obligations that is exempt from Illinois Income Tax. See 86 Ill. Adm. Code 100.2470(f).

ii) Gross receipts from intercompany transactions between two corporate members of a federal consolidated group, the taxable income on which is deferred under Treas. Reg. Section 1.1502-13, will be included in the sales factor of the recipient unless subtracted under a provision of IITA Section 203 or eliminated in a combination of the two corporations as members of a unitary business group.

E) 2) In some cases certain gross receipts should be disregarded in determining the sales factor in order that the apportionment formula will operate fairly to apportion to this State state the income of the person's trade or business. See 86 Ill. Adm. Code 100.3380(b)(4).

- 3) In filing returns with this State state, if the person departs from or modifies the basis for excluding or including gross receipts in the sales factor used in returns for prior years, the person shall disclose in the return for the current year the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

nature and extent of the modification. If the returns or reports filed by the person with all states to which the person reports under Article IV of the Multistate Tax Compact or the Uniform Division of Income for Tax Purposes Act are not uniform in the inclusion or exclusion of gross receipts, the person shall disclose in its return to this State the nature and extent of the variance.

- b) Denominator. The denominator of the sales factor shall include the total gross receipts derived by the person from transactions and activity in the regular course of its trade or business, except receipts excluded under 86 Ill. Adm. Code 100.3380(B)(7).
- c) Numerator. The numerator of the sales factor shall include the gross receipts attributable to this State and derived by the person from transactions and activity in the regular course of its trade or business. All interest income, service charges, carrying charges, or time-price differential charges incidental to such gross receipts shall be included regardless of the place where the accounting records are maintained or the location of the contract or other evidence of indebtedness.

1) Sales of tangible personal property in this State.

A) Gross receipts from the sales of tangible personal property (except sales to the United States Government); (see 86 Ill. Adm. Code 100.3370(c)(2)) are in this State:

- i) if the property is delivered or shipped to a purchaser within this State regardless of the f.o.b. point or other conditions of sale; or
- ii) if the property is shipped from an office, store, warehouse, factory or other place of storage in this State and the taxpayer is not taxable in the State of the purchaser. However, premises owned or leased by a person who has independently contracted with the taxpayer for the printing of newspapers, periodicals or books shall not be deemed to be an office, store, warehouse, factory or other place of storage.

B) Property shall be deemed to be delivered or shipped to a purchaser within this State if the recipient is located in this State, even though the property is ordered from outside this State.

Example: A corporation, with inventory in State A, sold \$100,000 of its products to a purchaser having branch stores in several states including this State. The order for the purchase was placed by the purchaser's central purchasing department located in State B. \$25,000 of the purchase order was shipped directly to purchaser's branch store in this State. The branch store in this State is the "purchaser within this State" with respect to \$25,000 of the corporation's sales.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

C) Property is delivered or shipped to a purchaser within this State if the shipment terminates in this State, even though the property is subsequently transferred by the purchaser to another state.

Example: A corporation makes a sale to a purchaser who maintains a central warehouse in this State at which all merchandise purchases are received. The purchaser reships the goods to its branch stores in other states for sale. All of the corporation's products shipped to the purchaser's warehouse in this State is property "delivered or shipped to a purchaser within this State".

D) The term "purchaser within this State" shall include the ultimate recipient of the property if the person in this State, at the designation of the purchaser, delivers to or has the property shipped to the ultimate recipient within this State.

Example: A corporation in this State sold merchandise to a purchaser in State A. The corporation directed the manufacturer or supplier of the merchandise in State B to ship the merchandise to the purchaser's customer in this State pursuant to purchaser's instructions. The sale by the corporation is "in this State".

E) When property being shipped by a seller from the state of origin to a consignee in another state is diverted while en route to a purchaser in this State, the sales are in this State.

Example: Corporation X, a produce grower in State A, begins shipment of perishable produce to the purchaser's place of business in State B. While en route enroute the produce is diverted to the purchaser's place of business in this State in which state Corporation X is subject to tax. The sale by the corporation is attributed to this State.

F) If the person is not taxable in the state of the purchaser, the sale is attributed to this State if the property is shipped from an office, store, warehouse, factory, or other place of storage in this State (subject to the exception noted in (C)(1)(A)(ii) above).

Example: A corporation has its head office and factory in State A. It maintains a branch office and inventory in this State. The corporation's only activity in State B is the solicitation of orders by a resident salesman. All orders by the State B salesman are sent to the branch office in this State for approval and are filled by shipment from the inventory in this State. Since the corporation is immune under Public Law 86-272 from tax in State B, all sales of merchandise to purchasers in State B are attributed to this State, the state from which the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

merchandise was shipped.

- 2) Sales of tangible personal property to the United States Government in this State state. Gross receipts from the sales of tangible personal property to the United States Government are in this State state if the property is shipped from an office, store, warehouse, factory, or other place of storage in this State state. For the purposes of this regulation, only sales for which the United States Government makes direct payment to the seller pursuant to the terms of the contract constitute sales to the United States Government. Thus, as a general rule, sales by a subcontractor to the prime contractor, the party to the contract with the United States Government, do not constitute sales to the United States Government.

A) Example A: A corporation contracts with General Services Administration to deliver X number of trucks which were paid for by the United States Government. The sale is a sale to the United States Government.

B) Example B: A corporation as a subcontractor to a prime contractor with the National Aeronautics and Space Administration contracts to build a component of a rocket for \$1,000,000. The sale by the subcontractor to the prime contractor is not a sale to the United States Government.

- 3) Sales other than sales of tangible personal property in this State state. The sales factor includes gross receipts from transactions other than sales of tangible personal property (including transactions with the United States Government); gross receipts are attributed to this State state if the income producing activity which gave rise to the receipts is performed wholly within this State state. Also, gross receipts are attributed to this State state if, with respect to a particular item of income, the income producing activity is performed in this State state, based on costs of performance.

A) Income producing activity defined. The term "income producing activity" applies to each separate item of income and means the transactions and activity directly engaged in by the person in the regular course of its trade or business for the ultimate purpose of obtaining gains or profit. Such activity does not include transactions and activities performed on behalf of a person, such as those conducted on its behalf by an independent contractor. The mere holding of tangible personal property is not, of itself, an income producing activity. Accordingly, the income producing activity includes but is not limited to the following:

- i) The rendering of personal services by employees or the utilization of tangible and intangible property by the person in performing a service.
- ii) The sale, rental, leasing, licensing or other use of real property.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- iii) The rental, leasing, licensing or other use of tangible personal property.
- iv) The sale, licensing or other use of intangible personal property.

B) Costs of performance defined. The term "costs of performance" means direct costs determined in a manner consistent with generally accepted accounting principles and in accordance with accepted conditions or practices in the trade or business of the person.

C) Application. Receipts (other than from sales of tangible personal property) in respect to a particular income producing activity are in this State state if:

- i) the income producing activity is performed wholly within this State state; or
- ii) the income producing activity is performed both in and outside this State state and a greater proportion of the income producing activity is performed in this State state than without this State state, based on costs of performance.

D) Special Rules. The following are special rules for determining when receipts from the income producing activities described below are in this State state.

- i) Gross receipts from the sale, lease, rental or licensing of real property are in this State state if the real property is located in this State state.
- ii) Gross receipts from the rental, lease, or licensing of tangible personal property are in this State state if the property is located in this State state. The principal cost of performance in a rental, leasing or licensing transaction is the depreciation or amortization of the tangible personal property, and the depreciation or amortization expense is incurred in the state in which the tangible personal property is located. The rental, lease, licensing or other use of tangible personal property in this State state is a separate income producing activity from the rental, lease, licensing or other use of the same property while located in another state; consequently, if property is within and without this State state during the rental, lease or licensing period, gross receipts attributable to this State state shall be measured by the ratio which the time the property was physically present or was used in this State state bears to the total time or use of the property everywhere during such period.

Example: Corporation X is the owner of 10 railroad cars. During the year, the total of the days each railroad car was present in this State state was 50

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

days. The receipts attributable to the use of each of the railroad cars in this State state are a separate item of income. Total receipts attributable to this State state shall be determined as follows:

(10 x 50)/3650 x Total Receipts

iii) Gross receipts for the performance of personal services are attributable to this State state to the extent such services are performed partly within and partly without this State state, the gross receipts for the performance of such services shall be attributable to this State state only if a greater portion of the services were performed in this State state, based on costs of performance. Where services are performed partly within and partly without this State state and the services performed in each state constitute a separate income producing activity, the gross receipts for the performance of services attributable to this State state shall be measured by the ratio which the time spent in performing such services in this State state bears to the total time spent in performing such services everywhere. Time spent in performing services includes the amount of time expended in the performance of a contract or other obligation which gives rise to such gross receipts. Personal service not directly connected with the performance of the contract or other obligation, as for example, time expended in negotiating the contract, is excluded from the computations.

Example: Corporation X, a road show, gave theatrical performances at various locations in State X and in this State state during the tax period. All gross receipts from performances given in this State state are attributed to this State state.

Example: A public opinion survey corporation conducted a poll by its employees in State X and in this State state for the sum of \$9,000. The project required 600 man hours to obtain the basic data and prepare the survey report. Two hundred of the 600 man hours were expended in this State state. The receipts attributable to this State state are \$3,000, calculated as follows:

200/600 x \$9,000

(Source: Amended at 22 Ill. Reg. 21638, effective

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOV 25 1998

Section 100.3380 Special Rules (IITA Section 304)

a) Property factor. The following special rules are established in respect to the property factor of the apportionment formula:

- 1) If the subrents taken into account in determining the net annual rental rate under 86 Ill. Adm. Code 100.3350(c) produce a negative or clearly inaccurate value for any item of property, another method which will properly reflect the value of rented property may be required by the Director or requested by the person. In no case however shall such value be less than an amount which bears the same ratio to the annual rental rate paid by the person for such property as the fair market value of that portion of the property used by the person bears to the total fair market value of the rented property.

Example: A corporation rents a 10-story building at an annual rental rate of \$1,000,000. The corporation occupies two stories and sublets eight stories for \$1,000,000 a year. The net annual rental rate of the taxpayer must not be less than two-tenths of the corporation annual rental rate for the entire year, or \$200,000.

- 2) If property owned by others is used by the person at no charge or rented by the person for a nominal rate, the net annual rental rate for such property shall be determined on the basis of a reasonable market rental rate for such property.

b) Sales factor. The following special rules are established in respect to the sales factor of the apportionment formula:

- 1) In the case of sales where neither the origin nor the destination of the sale is within this State, and the person is taxable in neither the state of origin nor the state of destination, the sale will be attributed to this State (and included in the numerator of the sales factor) if the person's activities in this State in connection with the sales are not protected by the provisions of P.L. 86-272, 15 USC § 381-385. Although P.L. 86-272, by its terms covers only sales of tangible personal property, its rules regarding a state's power to impose a net income tax, for purposes of this special rule, will be applied whether the sale is of tangible or intangible property.

Example: A corporation's salesman operates out of an office in Illinois. He regularly calls on customers both within and without Illinois. Orders are approved by him and transmitted to the corporation's headquarters in State A. If the property sold by the salesman is shipped from a state in which the corporation is not taxable to a purchaser in a state in which the corporation is not taxable, the sale is attributable to Illinois.

- 2) Where substantial amounts of gross receipts arise from an incidental or occasional sale of assets a-fixed-asset used in the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

regular course of the person's trade or business, such gross receipts shall be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded.

- 3) Insubstantial amounts of gross receipts arising from incidental or occasional transactions or activities may be excluded from the sales factor unless such exclusion would materially affect the amount of income apportioned to this State. For example, the person ordinarily may include or exclude from the sales factor gross receipts from such transactions as the sale of office furniture, business automobiles, etc.

- 4) Where the income producing activity in respect to business income from intangible personal property can be readily identified, such income is included in the denominator of the sales factor and, if the income producing activity occurs in this State, in the numerator of the sales factor as well. For example, usually the income producing activity can be readily identified in respect to interest income received on deferred payments on sales of tangible property (86 Ill. Adm. Code 100.3370(a)(1)(A)) and income from the sale, licensing or other use of intangible personal property (86 Ill. Adm. Code 100.3370(c)(3)(A)).

- 5) Where business income from intangible property cannot readily be attributed to any income producing activity of the person, such income cannot be assigned to the numerator of the sales factor for any state and shall be excluded from the denominator of the sales factor. The following provisions illustrate this concept:

- A) Subpart F (26 USCA 8-5-6-A: 951-964) income is passive income generated by the mere holding of an intangible. For taxable years ending on or after December 31, 1995, Subpart F income is excluded from the sales factor under IITA Section 304(a)(3)(D). For prior taxable years, there where is a rebuttable presumption that Subpart F income is not includable in either the numerator or the denominator of the sales factor. If a taxpayer wishes to include Subpart F income in either the numerator or the denominator of the sales factor, the burden of proof is on the taxpayer to identify the income producing activities and to situs those activities within a particular state, or

- B) where business income in the form of dividends received on stock during taxable years ending before December 31, 1995, royalties received on patents or copyrights, or interest received on bonds, debentures or government securities results from the mere holding of intangible personal property by the person, such dividends, royalties and interest shall be excluded from the denominator of the sales factor.

- 6) In the case of sales of business intangibles (including, by means of example, without limitation, patents, copyrights, bonds,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

stocks and other securities), gross receipts shall be disregarded and only the net gain (loss) therefrom shall be included in the sales factor.

Example: In 1990, Corporation A, a calendar year taxpayer, sells stock with an adjusted basis of \$98,000,000-00 for \$100,000,000-00, realizing a federal net capital gain of \$2,000,000-00. Only the net capital gain of \$2,000,000-00 is reflected in A's sales factor for the taxable year ending December 31, 1990.

- c) Rule for inclusion of shares of partnership unitary business income and factors in combined unitary business income and factors of corporate partners. When the activities of a corporate partner (or the activities of a unitary business group including the corporate partner) and the activities of a partnership, disregarding ownership requirements, constitute a unitary business relationship, then the partner's share of the partnership's income and factors shall be combined with the business income and factors of the partner or with the combined business income and factors of the unitary business group including the partner, as the case may be. The activities of a corporate partner and the activities of a partnership will constitute a unitary business relationship when such activities are integrated with, dependent upon, and contribute to each other. However, this subsection (c) ~~the rule stated herein~~ will not apply to shares of income from partnerships whose business activity outside the United States is 80% or more of such partnership's total business activity, where the partnership has a different apportionment method than the corporate partner, or where the partnership is not in the same general line of business or a step in a vertically structured enterprise with the corporate partner. This subsection (c) rule is applicable to all taxable years for which the statute of limitations for filing claims for refund and for issuing notices of deficiency are open, except those tax years ending on or after the effective date (April 24, 1984) of Section 100.9700(e)(2) and ending prior to its repeal where the taxpayer relied upon that subsection rule.

(Source: Amended 22 Ill. Reg. 21623, effective NOV 25 1998)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Adopted Action:130.1940
Amendment
130.1951
Amendment
130.1952
Amendment4) Statutory Authority: 35 ILCS 1205) Effective Date of Rulemaking: November 25, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 14, 1998, 22 Ill. Reg. 1461510) Has JCARR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: The only changes made were the ones agreed upon with JCARR. The changes made were grammar and punctuation or technical. No substantive changes were made.12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreements issued by JCARR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
130.351	New Section	8/28/98, 22 Ill. Reg. 15533

15) Summary and Purpose of Rulemaking: This amendment is intended to clarify which methods of carpet installation the Department considers to be permanent installation into real estate. When tangible personal property is permanently installed into real estate by a construction contractor, the construction contractor is deemed to be the user of the tangible personal property. Therefore, the taxable event for Retailers' Occupation Tax and Use Tax purposes takes place when the construction contractor purchases the carpet from its supplier and takes it off the market as tangible personal

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

property.

Under the current regulations, carpet is considered to be permanently installed into real estate only when cemented or otherwise permanently affixed to the structure. Carpeting installed by "tacking" is not considered to be permanently affixed. These provisions were intended to make a distinction between, for example, permanently cemented wall-to-wall carpeting and temporarily "tacked down" area rugs. However, an increasingly widespread method of carpet installation known as "tackless" method actually involves the use of wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"). Recent administrative hearings and circuit court decisions have found this method of carpet installation to be permanent. On the other hand, it has come to the Department's attention that stairway carpeting intended to be permanently installed is often affixed by "tacking."

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Martha Mote

Address: Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

Telephone: 217/782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations
130.220	Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

COST OF DOING BUSINESS NOT DEDUCTIBLE
TRANSPORTATION AND DELIVERY CHARGES
FINANCE OR INTEREST CHARGES--PENALTIES--DISCOUNTS
TRADED-IN PROPERTY

Section	
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns--When Due--Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

130.720 Separate Registrations for Different Places of Business of Same
 Taxpayer Under Some Circumstances
 Display
 130.725 Replacement of Certificate
 130.730 Certificate Not Transferable
 130.735 Certificate Required For Mobile Vending Units
 130.740 Revocation of Certificate
 130.745

SUBPART H: BOOKS AND RECORDS

SUBPART N: SALES FOR RESALE

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would
 Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois
 Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers

130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at
 the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and
 Requirements for Certificates of Resale (Repealed)
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
 130.1915 Stamps and Like Articles
 130.1920 Auctioneers and Agents
 130.1925 Barbers and Beauty Shop Operators
 130.1930 Blacksmiths
 130.1935 Chiroprodists, Osteopaths and Chiropractors
 130.1940 Computer Software
 130.1945 Construction Contractors and Real Estate Developers
 130.1950 Co-operative Associations
 130.1955 Dentists
 130.1960 Enterprise Zones
 130.1965 Sales of Building Materials to a High Impact Business
 130.1970 Farm Chemicals
 130.1975 Finance Companies and Other Lending Agencies - Installment Contracts
 130.1980 - Repossessions
 130.1985 Florists and Nurserymen
 130.1990 Hatcheries
 130.1995 Operators of Games of Chance and Their Suppliers
 130.2000 Optometrists and Opticians
 130.2005 Pawnbrokers
 130.2010 Peddlers, Hawkers and Itinerant Vendors
 130.2015 Personalizing Tangible Personal Property
 130.2020 Persons Engaged in the Printing, Graphic Arts or Related
 130.2025 Occupations, and Their Suppliers
 130.2030 Persons Engaged in Nonprofit Service Enterprises and in Similar
 130.2035 Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2040 Sales by Teacher-Sponsored Student Organizations
 130.2045 Exemption Identification Numbers
 130.2050 Sales by Nonprofit Service Enterprises
 130.2055 Persons Who Rent or Lease the Use of Tangible Personal Property to
 130.2060 Others
 130.2065 Sales to Persons Who Lease Tangible Personal Property to Exempt
 130.2070 Hospitals
 130.2075 Sales to Persons Who Lease Tangible Personal Property to
 130.2080 Governmental Bodies
 130.2085 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2090 Physicians and Surgeons
 130.2095 Picture-Framers
 130.2100 Public Amusement Places
 130.2105 Registered Pharmacists and Druggists
 130.2110 Retailers of Clothing
 130.2115 Retailers on Premises of the Illinois State Fair, County Fairs, Art
 130.2120 Shows, Flea Markets and the Like
 130.2125 Sales and Gifts By Employers to Employees
 130.2130 Sales by Governmental Bodies
 130.2135 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2140 Sales of Automobiles for Use In Demonstration
 130.2145 Sales of Containers, Wrapping and Packing Materials and Related

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

130.2075 Products
 130.2080 Sales To Construction Contractors, Real Estate Developers and
 130.2085 Speculative Builders
 130.2090 Sales to Governmental Bodies, Foreign Diplomats and Consular
 130.2095 Personnel
 130.2100 Sales to or by Banks, Savings and Loan Associations and Credit
 130.2105 Unions
 130.2110 Sales to Railroad Companies
 130.2115 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2120 Sellers of Feeds and Breeding Livestock
 130.2125 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph
 130.2130 Records and Their Suppliers
 130.2135 Sellers of Seeds and Fertilizer
 130.2140 Sellers of Machinery, Tools and the Like
 130.2145 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2150 Trading Stamps and Discount Coupons
 130.2155 Undertakers and Funeral Directors
 130.2160 Vending Machines
 130.2165 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar
 130.2170 Items Made to Order
 130.2175 Vendors of Meals
 130.2180 Vendors of Memorial Stones and Monuments
 130.2185 Vendors of Signs
 130.2190 Vendors of Steam
 130.2195 Vendors of Tangible Personal Property Employed for Premiums,
 130.2200 Advertising, Prizes, Etc.
 130.2205 Veterinarians
 130.2210 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective September 28, 1998; amended at 22 Ill. Reg. 21042, effective NOV 25 1998.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1940 Construction Contractors and Real Estate Developers

a) Definitions

- 1) "Construction Contractor." The word "construction contractor" when used herein includes general contractor, subcontractor and specialized contractor such as a landscape contractor. "Contractor" means any person who is engaged in the occupation of entering into and performing construction contracts for owners.
- 2) "Owner" means any person who enters into a contract with a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 3) Contractor relative to the construction of a structure.
- "Construct" means build, erect, construct, reconstruct, install, plant, repair, renovate or remodel.
- 4) "Structure" includes any building, house, edifice, tunnel, sewer, highway, road, bridge or any other type of structure, or any part thereof (including any system of plumbing, heating, ventilating, refrigerating, air conditioning, or any part thereof), or any other improvement to real estate.
- 5) "Materials" means all of the tangible personal property, including fixtures, which enter into a structure or otherwise become incorporated into real estate.
- 6) "Construction Contract" means a contract, written or oral, to "construct" (as that term is defined in subsection (a)(3) above), a "structure" (as that term is defined in subsection (a)(4), above) or to otherwise incorporate tangible personal property into real estate.
- 7) "Real Estate Developer" means any person engaged in the business of transferring title (legal or equitable) to real estate to others. The term does not include an isolated or occasional sale of real estate by a person not engaged in the business of selling real estate, and the term does not include a person who acts merely as agent for a commission to bring sellers and buyers of real estate together without ever actually taking either the legal or the equitable title to the real estate.
- b) Construction Contractors -- When Liable For Tax
 - 1) Construction contractors incur Retailers' Occupation Tax liability when they engage in selling any kind of tangible personal property without installation to purchasers for use or consumption.
 - 2) A construction contractor incurs Retailers' Occupation Tax liability when he sells furniture and furnishings, curtains, drapes, floor covering (except when he cements or otherwise permanently affixes the floor covering to a portion of the building), trade fixtures and machinery (unless in the case of machinery Section 130.2115(b) of this Part applies) to purchasers for use or consumption, with or without installation by the seller, whether or not the seller furnishes and installs such items as a part of a construction contract. The same is true where he purchases and sells in finished form gas or electric stoves, refrigerators, washing machines, portable ventilating units and other portable equipment of this kind, which may be connected to and operated from a building's electrical, plumbing or other specialized system, but which is not actually a part of any such system and is considered to remain personal property when installed, even if the contractor does install such equipment pursuant to a construction contract.
- 3) For information concerning the seller's taxability on receipts from installation charges where the seller is taxable

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

notwithstanding his installation of the item, see Section 130.450 of this Part.

- 4) If the seller is taxable notwithstanding installation, but the sale and installation are made by the seller pursuant to his performance of a construction contract, the seller's receipts from that part of the transaction which actually comprises the construction contract are not subject to the Retailers' Occupation Tax. In this situation, if a separate charge is made for the tangible personal property as to which the construction contractor is taxable, the value of such property for purposes of computing the Retailers' Occupation Tax is the amount charged for such property, but not less than the cost of such property to the construction contractor. If no separate charge is made in this situation for the tangible personal property as to which the construction contractor incurs Retailers' Occupation Tax liability, the value of such property for computing the Retailers' Occupation Tax is the cost of such property to the construction contractor.

c) Construction Contractors -- When Not Liable For Tax

A construction contractor does not incur Retailers' Occupation Tax liability as to receipts from labor furnished and tangible personal property (materials and fixtures) incorporated into a structure as an integral part thereof for an owner when furnished and installed as an incident of a construction contract. For example, a construction contractor does not incur Retailers' Occupation Tax liability on receipts from selling and installing screen doors and windows; storm doors and windows; weather stripping; insulation material; Venetian blinds; window shades; awnings; cabinets built into the structure; floor coverings cemented or otherwise permanently affixed to the structure by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"), but not including floor coverings that are area rugs or that are attached to the structure using only two-sided tape (~~tacking-not-to-be-considered--to-be-permanent--affixation~~); plumbing systems or parts thereof, such as bathtubs, lavatories, sinks, faucets, water pumps, water heaters, water softeners, water pipes, etc.; heating systems or parts thereof, such as furnaces, stokers, boilers, heating pipes, etc.; ventilation systems or parts thereof; commercial refrigeration systems or parts thereof; electrical systems or parts thereof; brick; lumber; sheet metal; roofing materials, and other similar items. A landscape contractor does not incur Retailers' Occupation Tax liability as to receipts from labor furnished and tangible personal property incorporated into real estate as an integral part thereof for an owner when furnished and installed as an incident to a landscape contract. For example, a landscape contractor does not incur Retailers' Occupation Tax liability on receipts from selling and installing plants such as trees, shrubs, seedlings, sod and grass seed when planted in the ground, including

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

fertilizer, mulch and soil incorporated into the ground in connection with such planting (plants sold in pots or other containers without being planted in the ground by the landscape contractor are not deemed to be planted in the ground). However, for information concerning the fact that a construction contractor is taxable on his cost price of the tangible personal property that he purchases and incorporates into real estate, see Section 130.2075 of this Part.

d) Real Estate Developers

- 1) A real estate developer does not incur Retailers' Occupation Tax liability on his receipts from selling real estate. However, for information concerning the fact that a real estate developer is taxable on his cost price of the tangible personal property that he purchases and incorporates into real estate, see Section 130.2075 of this Part.
- 2) A real estate developer incurs Retailers' Occupation Tax liability when transferring, to a user, tangible personal property which he purchases and sells in a finished form, and which remains personal property when installed, even though he includes the transfer of such tangible personal property in his sale of or his contract to sell real estate. The value of such tangible personal property for computing Retailers' Occupation Tax is the amount charged for such tangible personal property by the transferor if a separate charge is made, but not less than the cost of such tangible personal property to the transferor. If no separate charge is made for such tangible personal property, the value of such property for computing Retailers' Occupation Tax is the cost of such property to the transferor.

(Source: ~~Nov 25 1998~~)

22 Ill. Reg.

~~21642~~

effective

Section 130.1951 Enterprise Zones

- a) Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone
 - 1) Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an enterprise zone by remodeling, rehabilitation or new construction. (Section 5k of the Act)
 - 2) The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated. In order to establish that the retailer is located in the municipality or unincorporated area of the county which has established the enterprise zone, the retailer must at the time of sale:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- A) have an identifiable physical presence in the municipality or the unincorporated area of the county that has established the enterprise zone;
- B) be registered with the Department as a retailer at a location in the municipality or in the unincorporated area of the county that has established the enterprise zone; and
- C) be able to document the acceptance of purchase orders at a location in the municipality or the unincorporated area of the county that has established the enterprise zone.

- 3) In order to establish that the purchaser purchased qualifying building materials from a qualified retailer, the following two separate transactions must exist:

- A) a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone (exempt as sales for resale); and

- B) a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser (exempt by reason of the enterprise zone building materials exemption).

Note: Each of these transactions must exist independent of the other, and the exemption applicable to each transaction must be properly documented. These transactions must be reflected in the books and records of the qualified retailer.

- 4) The following documentation establishes a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone:

- A) a purchase order from the retailer to the supplier;
- B) a Certificate of Resale from the retailer to the supplier;
- C) an invoice from the supplier to the retailer; and
- D) payment to the supplier from the retailer.

- 5) The following documentation establishes a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser:

- A) a purchase order from the purchaser to the retailer;
- B) an enterprise zone building materials certification from the purchaser to the retailer containing all of the information set forth at Section 130.1951(a)(6);

- C) an invoice from the retailer to the purchaser; and

- D) payment to the retailer from the purchaser.

- 6) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:

- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone;

- B) a description of the building materials being purchased (this may be done by a cross reference to the retailers' invoice number);

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
- D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county which established the enterprise zone named in the purchaser's statement); and
- E) the purchaser's signature and date of signing.

- 7) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the deduction;

- B) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the deduction;

- C) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the deduction;

- D) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the real estate can qualify for the deduction;

- E) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the real estate can qualify for the deduction;

- F) built-in cabinets and other woodwork which are physically incorporated into the real estate can qualify for the deduction;

- G) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the real estate can qualify for the deduction;

- H) floor coverings such as tile, linoleum and carpeting that which are ~~is~~ glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") ~~tacking--is~~ ~~not-considered-to-be-physical-incorporation~~ can qualify for the deduction.

- 8) Items which are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of:

- A) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at an enterprise zone building site, but which are not physically

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

- purposes of this exemption.
- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, manufacturing and assembling have the same meaning as ascribed at Section 130.330(b)(2) through (8) of this Part.
- 4) The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment. (Section 1d of the Act)
- 5) For example, this exemption extends to:
- A) machinery and equipment which would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment;
 - B) hand tools used in the activities set out at Section 130.330(d)(3) of this Part;
 - C) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part;
 - D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
 - E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
 - F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part; and
 - G) protective clothing and safety equipment such as gloves,

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

- incorporated into the real estate, do not qualify for the deduction:
- B) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the deduction;
 - C) tacked-down-carpeting-and-other floor coverings that which are area rugs or that are attached to the structure using only two-sided tape not-physically-incorporated-into--real estate do not qualify for the deduction.
- b) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs
- 1) Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales of tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease so long as the use or consumption is made by business enterprises which in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act [20 ILCS 625/5.5] or which in the case of an enterprise zone:
- A) Either:
 - (i) make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
 - (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - (iii) make investments of a minimum of \$40,000,000; and
 - B) are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and
 - C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (c)(1)(A) and (B); and
 - D) Retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)
- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.

6) The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity which is essential to manufacturing or assembling. For example, the exemption does not extend to:

- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the manufacturing machinery and equipment exemption;
- B) tangible personal property used or consumed in research and development of new products, production techniques or production machinery;
- C) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;
- D) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
- E) tangible personal property used to transport work-in-process or finished articles between production plants;
- F) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;
- G) tangible personal property used or consumed as general production plant safety equipment;
- H) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;
- I) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

sale, such as restaurants, vending machines and food service establishments;

J) fuel used or consumed in the operation of any machinery or equipment which would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;

K) building materials which become physically incorporated into foundations or housings for machinery and equipment--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met; and

L) building materials dedicated to general construction purposes at a production plant--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met.

8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Product Use

The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part which is incorporated by reference herein.

10) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".

11) Exemption Certification

A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)

B) So long as a copy of a current certificate of eligibility

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.

c) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

1) No State or local Retailers' Occupation Tax applies to retail sales of *tangible personal property to be used or consumed within an enterprise zone. . . in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons so long as the use or consumption is made by business enterprises that:*

- A) Either:
- (i) make investments which cause the creation of a minimum of 200 full-time jobs in Illinois; or
 - (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - (iii) make investments of a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

B) are located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act; and

C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (c)(1)(A), (B) and (C). (Sections 1d and 1f of the Act)

2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) of this Part.

4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes *repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment.* (Section 1d of the Act)

5) For example, this exemption extends to:

- A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325(c)(3) of this Part and for repair and replacement parts for such machinery and equipment;
- B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(c)(3) of this Part;
- C) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(c)(3) of this Part;
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

repair or operate machinery or equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.

6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity which is essential to graphic arts production. For example, the exemption does not extend to:

- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the graphic arts production exemption;
- B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;
- C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
- D) tangible personal property used to transport work-in-process or finished articles between production plants;
- E) machinery or equipment used to place the printed product in the container, package or wrapping in which such property is normally sold to the ultimate consumer thereof;
- F) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

G) Xerographic or photocopying machines;
H) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production;

I) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer which generates an image which may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system which produces printing cylinders and computer-controlled digital typesetting equipment would qualify;

J) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;

K) tangible personal property used or consumed as general production plant safety equipment; or

L) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.

8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Sales to Lessors of Certified Business Enterprises
The substance and provisions of Section 130.325(d) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises."

10) Exemption Certification

A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)

- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.

- d) Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) Effective September 25, 1985, subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 625/5.5] the Illinois Retailer's Occupation Tax does not apply to gross receipts from retail sales of tangible personal property to be used or consumed in the operation of pollution control facilities ... within an enterprise zone (Section 1e of the Act) so long as the use or consumption is made by a business enterprise which has complied with the requirements set out at subsection(b)(1)(A), (B) and (C) of this Section.

- 2) The phrase "pollution control facilities" is defined as:

- A) ... any system, method, construction, device, or appliance

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term 'air pollution' or 'water pollution' is defined in the 'Environmental Protection Act' ... or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property. (Section 1a of the Act)

- B) The exemption for pollution control facilities described at Section 130.330 of this Part extends only to pollution control facilities and replacement parts therefor.

- 3) However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:

- A) fuel used in operating pollution control facilities;
 B) chemicals used in the operation of pollution control facilities;
 C) catalysts used in the operation of pollution control facilities;
 D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;
 E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;
 F) lubricants and coolants used in the operation of pollution control facilities;
 G) protective clothing and safety equipment used in the operation of pollution control facilities;
 H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone;
 I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and
 J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

qualifying items from an Illinois registered supplier, the supplier must be provided with:

- a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use of consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.

B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Nov 25 1998 at 22 Ill. Reg. 21 042, effective)

4) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities which are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:

- equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;
- equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;
- testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or
- testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.

5) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

6) Sales to Lessors of Certified Business Enterprises

- For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise which uses the items in an exempt manner, the sale to the purchaser-lessee will be exempt from tax. A supplier may deduct such sales from his taxable gross receipts provided the purchaser-lessee provides to him a properly completed exemption certificate and the information contained thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.
- Should a purchaser-lessee lease the items to a lessee which is not a certified business enterprise or to a certified business enterprise which does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser-lessee will become liable for the tax from which he was previously exempted.

7) Exemption Certification

- When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the HIB location;
- 8) floor coverings such as tile, linoleum and carpeting that ~~which~~ are ~~is~~ glued or otherwise permanently affixed to the HIB location by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") ~~tacking-is-not-considered-to-be-physical incorporation;~~
- 9) landscape products such as trees, shrubs, topsoil and sod which are physically incorporated (i.e., transplanted) into the HIB location.
- e) Items that are not physically incorporated into a HIB location cannot qualify for the deduction. For example, gross receipts from sales of the following do not qualify for the deduction:
- 1) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at a HIB location, but which are not physically incorporated into the HIB location;
 - 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems;
 - 3) ~~tacked-down-carpeting-and-other~~ floor coverings ~~that~~ which are area rugs or that are attached to the structure using only two-sided tape ~~not-physically-incorporated-into-the-HIB-location~~.

(Source: Amended 21 643, effective NOV 25 1998)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- a) On and after January 1, 1986, and prior to January 1, 1995, a retailer who makes a sale of building materials to a High Impact Business ("HIB") may file claims for credit or refund to recover the amount of tax paid under the Retailers' Occupation Tax Act. (Section 51 of the Act)
- b) Effective January 1, 1995, a deduction from only the 6.25% rate for the Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials that will be incorporated into a HIB location as designated by the Department of Commerce and Community Affairs under Section 5.5 of the Illinois Enterprise Zone Act. (Section 51 of the Act) Effective June 30, 1995, a retailer may also deduct receipts from such sales when calculating any applicable local taxes. Until June 30, 1995, a retailer may file claims for credit or refund as discussed in subsection (a) to recover the amount of any applicable local tax paid on such sales.
- c) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:
- 1) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into a HIB location;
 - 2) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
 - 3) the name of the HIB location into which the building materials will be incorporated and, if applicable, the street address of the real estate; and
 - 4) the purchaser's signature and date of signing.
- d) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into a HIB location. For example, gross receipts from sales of the following can qualify for the deduction:
- 1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - 2) plumbing systems and components thereof such as bathtubs, lavatories, sink faucets, garbage disposals, water pumps, water heaters, water soakers and water pipes;
 - 3) heating systems and components thereof such as furnaces, ductwork, vents, stoves, boilers, heating pipes and radiators;
 - 4) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the HIB location;
 - 5) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the HIB location;
 - 6) built-in cabinets and other woodwork which is physically incorporated into the HIB location;

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Use Tax

2) Code Citation: 86 Ill. Adm. Code 150

3) Section Numbers: Adopted Action:
150.TABLE A Amendment

4) Statutory Authority: 35 ILCS 105

5) Effective Date of Rulemaking: November 25, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:
August 14, 1998, 22 Ill. Reg. 14643

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking will update the tax collection brackets at Section 150.TABLE A of the Use Tax regulations. All price listings of "0.00" will be changed to "0.01".

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Martha Mote
Address: Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

Telephone: 217/782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	
150.401	Collection of the Tax by Retailers From Users
150.405	Tax Collection Brackets
150.410	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3% Rate of Tax (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

150.430	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

Section	
150.601	Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	
150.701	When and Where to File a Return
150.705	Use Tax on Items that are Titled or Registered in Illinois
150.710	Procedure in Claiming Exemption from Use Tax
150.715	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716	Display Certificates for House Trailers
150.720	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730	Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	
150.801	When Out-of-State Retailers Must Register and Collect Use Tax
150.805	Voluntary Registration by Certain Out-of-State Retailers

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section

150.901 When and Where to File

150.905 Deduction for Collecting Tax

150.910 Incorporation by Reference

150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section

150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section

150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS
BY REFERENCE

Section

150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price

150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit--Limitations--Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 39b28 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b28].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 21 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective NOV 25 1998.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 150. TABLE A Tax Collection Brackets

1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 3.99
4.00 TO 11.99

TAX IS:
0.00
0.01

1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 1.99
2.00 TO 5.99
6.00 TO 9.99

TAX IS:
0.00
0.01
0.02

1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO .99
1.00 TO 2.99
3.00 TO 4.99
5.00 TO 6.99
7.00 TO 8.99

TAX IS:
0.00
0.01
0.02
0.03
0.04

3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.66
0.67 TO 1.99
2.00 TO 3.33
3.34 TO 4.66
4.67 TO 5.99
6.00 TO 7.33
7.34 TO 8.66
8.67 TO 9.99

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.05
0.06

1% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.49
0.50 TO 1.49
1.50 TO 2.49
2.50 TO 3.49
3.50 TO 4.49

TAX IS:
0.00
0.01
0.01
0.03
0.04

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1/8% Tax Rate

4.50 TO 5.49
5.50 TO 6.49
6.50 TO 7.49
7.50 TO 8.49
8.50 TO 9.49

TAX IS:
0.05
0.06
0.07
0.08
0.09

1 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.44
0.45 TO 1.33
1.34 TO 2.22
2.23 TO 3.11
3.12 TO 3.99
4.00 TO 4.88
4.89 TO 5.77
5.78 TO 6.66
6.67 TO 7.55
7.56 TO 8.44
8.45 TO 9.33

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10

1 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.39
0.40 TO 1.19
1.20 TO 1.99
2.00 TO 2.79
2.80 TO 3.59
3.60 TO 4.39
4.40 TO 5.19
5.20 TO 5.99
6.00 TO 6.79
6.80 TO 7.59
7.60 TO 8.39
8.40 TO 9.19
9.20 TO 9.99

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12

1 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.33
0.34 TO 0.99
1.00 TO 1.66
1.67 TO 2.33
2.34 TO 2.99
3.00 TO 3.66

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

3.67 TO 4.33
4.34 TO 4.99
5.00 TO 5.66
5.67 TO 6.33
6.34 TO 6.99
7.00 TO 7.66
7.67 TO 8.33
8.34 TO 8.99
9.00 TO 9.66

5.25 TO 5.74
5.75 TO 6.24
6.25 TO 6.74
6.75 TO 7.24
7.25 TO 7.74
7.75 TO 8.24
8.25 TO 8.74
8.75 TO 9.24
9.25 TO 9.74

1 3/4% Tax Rate

2 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.28
0.29 TO 0.85
0.86 TO 1.42
1.43 TO 1.99
2.00 TO 2.57
2.58 TO 3.14
3.15 TO 3.71
3.72 TO 4.28
4.29 TO 4.85
4.86 TO 5.42
5.43 TO 5.99
6.00 TO 6.57
6.58 TO 7.14
7.15 TO 7.71
7.72 TO 8.28
8.29 TO 8.85
8.86 TO 9.42
9.43 TO 9.99

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.16
0.17

IF TRANSACTION IS:
0.01 0-00 TO 0.23
0.24 TO 0.70
0.71 TO 1.17
1.18 TO 1.64
1.65 TO 2.11
2.12 TO 2.58
2.59 TO 3.05
3.06 TO 3.52
3.53 TO 3.99
4.00 TO 4.47
4.48 TO 4.94
4.95 TO 5.41
5.42 TO 5.88
5.89 TO 6.35
6.36 TO 6.82
6.83 TO 7.29
7.30 TO 7.76
7.77 TO 8.23
8.24 TO 8.70
8.71 TO 9.17
9.18 TO 9.64

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20

2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.24
0.25 TO 0.74
0.75 TO 1.24
1.25 TO 1.74
1.75 TO 2.24
2.25 TO 2.74
2.75 TO 3.24
3.25 TO 3.74
3.75 TO 4.24
4.25 TO 4.74
4.75 TO 5.24

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10

2 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.22
0.23 TO 0.66
0.67 TO 1.11
1.12 TO 1.55
1.56 TO 1.99
2.00 TO 2.44
2.45 TO 2.88
2.89 TO 3.33

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

IF TRANSACTION IS:	TAX IS:
0.01 0-00 TO 0.18	0.00
0.19 TO 0.54	0.01
0.55 TO 0.90	0.02
0.91 TO 1.27	0.03
1.28 TO 1.63	0.04
1.64 TO 1.99	0.05
2.00 TO 2.36	0.06
2.37 TO 2.72	0.07
2.73 TO 3.09	0.08
3.10 TO 3.45	0.09
3.46 TO 3.81	0.10
3.82 TO 4.18	0.11
4.19 TO 4.54	0.12
4.55 TO 4.90	0.13
4.91 TO 5.27	0.14
5.28 TO 5.63	0.15
5.64 TO 5.99	0.16
6.00 TO 6.36	0.17
6.37 TO 6.72	0.18
6.73 TO 7.09	0.19
7.10 TO 7.45	0.20
7.46 TO 7.81	0.21
7.82 TO 8.18	0.22
8.19 TO 8.54	0.23
8.55 TO 8.90	0.24
8.91 TO 9.27	0.25
9.28 TO 9.63	0.26
9.64 TO 9.99	0.27

3% Tax Rate

IF TRANSACTION IS:	TAX IS:
0.01 0-00 TO 0.16	0.00
0.17 TO 0.49	0.01
0.50 TO 0.83	0.02
0.84 TO 1.16	0.03
1.17 TO 1.49	0.04
1.50 TO 1.83	0.05
1.84 TO 2.16	0.06
2.17 TO 2.49	0.07
2.50 TO 2.83	0.08
2.84 TO 3.16	0.09
3.17 TO 3.49	0.10
3.50 TO 3.83	0.11
3.84 TO 4.16	0.12
4.17 TO 4.49	0.13

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

3.34 TO 3.77	0.08
3.78 TO 4.22	0.09
4.23 TO 4.66	0.10
4.67 TO 5.11	0.11
5.12 TO 5.55	0.12
5.56 TO 5.99	0.13
6.00 TO 6.44	0.14
6.45 TO 6.88	0.15
6.89 TO 7.33	0.16
7.34 TO 7.77	0.17
7.78 TO 8.22	0.18
8.23 TO 8.66	0.19
8.67 TO 9.11	0.20
9.12 TO 9.55	0.21
9.56 TO 9.99	0.22

2 1/2% Tax Rate

IF TRANSACTION IS:	TAX IS:
0.01 0-00 TO 0.19	0.00
0.20 TO 0.59	0.01
0.60 TO 0.99	0.02
1.00 TO 1.39	0.03
1.40 TO 1.79	0.04
1.80 TO 2.19	0.05
2.20 TO 2.59	0.06
2.60 TO 2.99	0.07
3.00 TO 3.39	0.08
3.40 TO 3.79	0.09
3.80 TO 4.19	0.10
4.20 TO 4.59	0.11
4.60 TO 4.99	0.12
5.00 TO 5.39	0.13
5.40 TO 5.79	0.14
5.80 TO 6.19	0.15
6.20 TO 6.59	0.16
6.60 TO 6.99	0.17
7.00 TO 7.39	0.18
7.40 TO 7.79	0.19
7.80 TO 8.19	0.20
8.20 TO 8.59	0.21
8.60 TO 8.99	0.22
9.00 TO 9.39	0.23
9.40 TO 9.79	0.24

2 3/4% Tax Rate

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.50 TO 4.83
4.84 TO 5.16
5.17 TO 5.49
5.50 TO 5.83
5.84 TO 6.16
6.17 TO 6.49
6.50 TO 6.83
6.84 TO 7.16
7.17 TO 7.49
7.50 TO 7.83
7.84 TO 8.16
8.17 TO 8.49
8.50 TO 8.83
8.84 TO 9.16
9.17 TO 9.49
9.50 TO 9.83

3 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.15

TAX IS:

0.16 TO 0.47
0.48 TO 0.79
0.80 TO 1.11
1.12 TO 1.43
1.44 TO 1.75
1.76 TO 2.07
2.08 TO 2.39
2.40 TO 2.71
2.72 TO 3.03
3.04 TO 3.35
3.36 TO 3.67
3.68 TO 3.99
4.00 TO 4.31
4.32 TO 4.63
4.64 TO 4.95
4.96 TO 5.27
5.28 TO 5.59
5.60 TO 5.91
5.92 TO 6.23
6.24 TO 6.55
6.56 TO 6.87
6.88 TO 7.19
7.20 TO 7.51
7.52 TO 7.83
7.84 TO 8.15
8.16 TO 8.47

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

8.48 TO 8.79
8.80 TO 9.11
9.12 TO 9.43
9.44 TO 9.75

3 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.15

TAX IS:

0.16 TO 0.46
0.47 TO 0.76
0.77 TO 1.07
1.08 TO 1.38
1.39 TO 1.69
1.70 TO 1.99
2.00 TO 2.30
2.31 TO 2.61
2.62 TO 2.92
2.93 TO 3.23
3.24 TO 3.53
3.54 TO 3.84
3.85 TO 4.15
4.16 TO 4.46
4.47 TO 4.76
4.77 TO 5.07
5.08 TO 5.38
5.39 TO 5.69
5.70 TO 5.99
6.00 TO 6.30
6.31 TO 6.61
6.62 TO 6.92
6.93 TO 7.23
7.24 TO 7.53
7.54 TO 7.84
7.85 TO 8.15
8.16 TO 8.46
8.47 TO 8.76
8.77 TO 9.07
9.08 TO 9.38
9.39 TO 9.69
9.70 TO 9.99

3 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.14

TAX IS:

0.00

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

0.15 TO 0.42	0.01
0.43 TO 0.71	0.02
0.72 TO 0.99	0.03
1.00 TO 1.28	0.04
1.29 TO 1.57	0.05
1.58 TO 1.85	0.06
1.86 TO 2.14	0.07
2.15 TO 2.42	0.08
2.43 TO 2.71	0.09
2.72 TO 2.99	0.10
3.00 TO 3.28	0.11
3.29 TO 3.57	0.12
3.58 TO 3.85	0.13
3.86 TO 4.14	0.14
4.15 TO 4.42	0.15
4.43 TO 4.71	0.16
4.72 TO 4.99	0.17
5.00 TO 5.28	0.18
5.29 TO 5.57	0.19
5.58 TO 5.85	0.20
5.86 TO 6.14	0.21
6.15 TO 6.42	0.22
6.43 TO 6.71	0.23
6.72 TO 6.99	0.24
7.00 TO 7.28	0.25
7.29 TO 7.57	0.26
7.58 TO 7.85	0.27
7.86 TO 8.14	0.28
8.15 TO 8.42	0.29
8.43 TO 8.71	0.30
8.72 TO 8.99	0.31
9.00 TO 9.28	0.32
9.29 TO 9.57	0.33
9.58 TO 9.85	0.34

3 3/4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01 0-00 TO 0.13		0.00
0.14 TO 0.39		0.01
0.40 TO 0.66		0.02
0.67 TO 0.93		0.03
0.94 TO 1.19		0.04
1.20 TO 1.46		0.05
1.47 TO 1.73		0.06
1.74 TO 1.99		0.07
2.00 TO 2.26		0.08

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

2.27 TO 2.53	0.09
2.54 TO 2.79	0.10
2.80 TO 3.06	0.11
3.07 TO 3.33	0.12
3.34 TO 3.59	0.13
3.60 TO 3.86	0.14
3.87 TO 4.13	0.15
4.14 TO 4.39	0.16
4.40 TO 4.66	0.17
4.67 TO 4.93	0.18
4.94 TO 5.19	0.19
5.20 TO 5.46	0.20
5.47 TO 5.73	0.21
5.74 TO 5.99	0.22
6.00 TO 6.26	0.23
6.27 TO 6.53	0.24
6.54 TO 6.79	0.25
6.80 TO 7.06	0.26
7.07 TO 7.33	0.27
7.34 TO 7.59	0.28
7.60 TO 7.86	0.29
7.87 TO 8.13	0.30
8.14 TO 8.39	0.31
8.40 TO 8.66	0.32
8.67 TO 8.93	0.33
8.94 TO 9.19	0.34
9.20 TO 9.46	0.35
9.47 TO 9.73	0.36
9.74 TO 9.99	0.37

4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01 0-00 TO 0.12		0.00
0.13 TO 0.37		0.01
0.38 TO 0.62		0.02
0.63 TO 0.87		0.03
0.88 TO 1.12		0.04
1.13 TO 1.37		0.05
1.38 TO 1.62		0.06
1.63 TO 1.87		0.07
1.88 TO 2.12		0.08
2.13 TO 2.37		0.09
2.38 TO 2.62		0.10
2.63 TO 2.87		0.11
2.88 TO 3.12		0.12
3.13 TO 3.37		0.13

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

4.00	TO	4.24	0.17
4.25	TO	4.48	0.18
4.49	TO	4.72	0.19
4.73	TO	4.96	0.20
4.97	TO	5.21	0.21
5.22	TO	5.45	0.22
5.46	TO	5.69	0.23
5.70	TO	5.93	0.24
5.94	TO	6.18	0.25
6.19	TO	6.42	0.26
6.43	TO	6.66	0.27
6.67	TO	6.90	0.28
6.91	TO	7.15	0.29
7.16	TO	7.39	0.30
7.40	TO	7.63	0.31
7.64	TO	7.87	0.32
7.88	TO	8.12	0.33
8.13	TO	8.36	0.34
8.37	TO	8.60	0.35
8.61	TO	8.84	0.36
8.85	TO	9.09	0.37
9.10	TO	9.33	0.38
9.34	TO	9.57	0.39
9.58	TO	9.81	0.40

4 1/4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	TO 0.11	0.00
0.12	TO 0.35	0.01
0.36	TO 0.58	0.02
0.59	TO 0.82	0.03
0.83	TO 1.05	0.04
1.06	TO 1.29	0.05
1.30	TO 1.52	0.06
1.53	TO 1.76	0.07
1.77	TO 1.99	0.08
2.00	TO 2.23	0.09
2.24	TO 2.47	0.10
2.48	TO 2.70	0.11
2.71	TO 2.94	0.12
2.95	TO 3.17	0.13
3.18	TO 3.41	0.14
3.42	TO 3.64	0.15
3.65	TO 3.88	0.16
3.89	TO 4.11	0.17
4.12	TO 4.35	0.18

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

3.38	TO	3.62	0.14
3.63	TO	3.87	0.15
3.88	TO	4.12	0.16
4.13	TO	4.37	0.17
4.38	TO	4.62	0.18
4.63	TO	4.87	0.19
4.88	TO	5.12	0.20
5.13	TO	5.37	0.21
5.38	TO	5.62	0.22
5.63	TO	5.87	0.23
5.88	TO	6.12	0.24
6.13	TO	6.37	0.25
6.38	TO	6.62	0.26
6.63	TO	6.87	0.27
6.88	TO	7.12	0.28
7.13	TO	7.37	0.29
7.38	TO	7.62	0.30
7.63	TO	7.87	0.31
7.88	TO	8.12	0.32
8.13	TO	8.37	0.33
8.38	TO	8.62	0.34
8.63	TO	8.87	0.35
8.88	TO	9.12	0.36
9.13	TO	9.37	0.37
9.38	TO	9.62	0.38
9.63	TO	9.87	0.39

4 1/8% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	TO 0.12	0.00
0.13	TO 0.36	0.01
0.37	TO 0.60	0.02
0.61	TO 0.84	0.03
0.85	TO 1.09	0.04
1.10	TO 1.33	0.05
1.34	TO 1.57	0.06
1.58	TO 1.81	0.07
1.82	TO 2.06	0.08
2.07	TO 2.30	0.09
2.31	TO 2.54	0.10
2.55	TO 2.78	0.11
2.79	TO 3.03	0.12
3.04	TO 3.27	0.13
3.28	TO 3.51	0.14
3.52	TO 3.75	0.15
3.76	TO 3.99	0.16

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.36	TO	4.58
4.59	TO	4.82
4.83	TO	5.05
5.06	TO	5.29
5.30	TO	5.52
5.53	TO	5.76
5.77	TO	5.99
6.00	TO	6.23
6.24	TO	6.47
6.48	TO	6.70
6.71	TO	6.94
6.95	TO	7.17
7.18	TO	7.41
7.42	TO	7.64
7.65	TO	7.88
7.89	TO	8.11
8.12	TO	8.35
8.36	TO	8.58
8.59	TO	8.82
8.83	TO	9.05
9.06	TO	9.29
9.30	TO	9.52
9.53	TO	9.76
9.77	TO	9.99

4 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.11

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.12	TO	4.33
4.34	TO	4.55
4.56	TO	4.77
4.78	TO	4.99
5.00	TO	5.22
5.23	TO	5.44
5.45	TO	5.66
5.67	TO	5.88
5.89	TO	6.11
6.12	TO	6.33
6.34	TO	6.55
6.56	TO	6.77
6.78	TO	6.99
7.00	TO	7.22
7.23	TO	7.44
7.45	TO	7.66
7.67	TO	7.88
7.89	TO	8.11
8.12	TO	8.33
8.34	TO	8.55
8.56	TO	8.77
8.78	TO	8.99
9.00	TO	9.22
9.23	TO	9.44
9.45	TO	9.66
9.67	TO	9.88

4 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.10

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.48 TO 3.68	0.17
3.69 TO 3.89	0.18
3.90 TO 4.10	0.19
4.11 TO 4.31	0.20
4.32 TO 4.52	0.21
4.53 TO 4.73	0.22
4.74 TO 4.94	0.23
4.95 TO 5.15	0.24
5.16 TO 5.36	0.25
5.37 TO 5.57	0.26
5.58 TO 5.78	0.27
5.79 TO 5.99	0.28
6.00 TO 6.21	0.29
6.22 TO 6.42	0.30
6.43 TO 6.63	0.31
6.64 TO 6.84	0.32
6.85 TO 7.05	0.33
7.06 TO 7.26	0.34
7.27 TO 7.47	0.35
7.48 TO 7.68	0.36
7.69 TO 7.89	0.37
7.90 TO 8.10	0.38
8.11 TO 8.31	0.39
8.32 TO 8.52	0.40
8.53 TO 8.73	0.41
8.74 TO 8.94	0.42
8.95 TO 9.15	0.43
9.16 TO 9.36	0.44
9.37 TO 9.57	0.45
9.58 TO 9.78	0.46
9.79 TO 9.99	0.47

5% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.09

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2.30 TO 2.49	0.12
2.50 TO 2.69	0.13
2.70 TO 2.89	0.14
2.90 TO 3.09	0.15
3.10 TO 3.29	0.16
3.30 TO 3.49	0.17
3.50 TO 3.69	0.18
3.70 TO 3.89	0.19
3.90 TO 4.09	0.20
4.10 TO 4.29	0.21
4.30 TO 4.49	0.22
4.50 TO 4.69	0.23
4.70 TO 4.89	0.24
4.90 TO 5.09	0.25
5.10 TO 5.29	0.26
5.30 TO 5.49	0.27
5.50 TO 5.69	0.28
5.70 TO 5.89	0.29
5.90 TO 6.09	0.30
6.10 TO 6.29	0.31
6.30 TO 6.49	0.32
6.50 TO 6.69	0.33
6.70 TO 6.89	0.34
6.90 TO 7.09	0.35
7.10 TO 7.29	0.36
7.30 TO 7.49	0.37
7.50 TO 7.69	0.38
7.70 TO 7.89	0.39
7.90 TO 8.09	0.40
8.10 TO 8.29	0.41
8.30 TO 8.49	0.42
8.50 TO 8.69	0.43
8.70 TO 8.89	0.44
8.90 TO 9.09	0.45
9.10 TO 9.29	0.46
9.30 TO 9.49	0.47
9.50 TO 9.69	0.48
9.70 TO 9.89	0.49

5 1/8% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.09

TAX IS:

0.00
0.01
0.02
0.03
0.04

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.88 TO 1.07 0.05
1.08 TO 1.26 0.06
1.27 TO 1.46 0.07
1.47 TO 1.65 0.08
1.66 TO 1.85 0.09
1.86 TO 2.04 0.10
2.05 TO 2.24 0.11
2.25 TO 2.43 0.12
2.44 TO 2.63 0.13
2.64 TO 2.82 0.14
2.83 TO 3.02 0.15
3.03 TO 3.21 0.16
3.22 TO 3.41 0.17
3.42 TO 3.60 0.18
3.61 TO 3.80 0.19
3.81 TO 3.99 0.20
4.00 TO 4.19 0.21
4.20 TO 4.39 0.22
4.40 TO 4.58 0.23
4.59 TO 4.78 0.24
4.79 TO 4.97 0.25
4.98 TO 5.17 0.26
5.18 TO 5.36 0.27
5.37 TO 5.56 0.28
5.57 TO 5.75 0.29
5.76 TO 5.95 0.30
5.96 TO 6.14 0.31
6.15 TO 6.34 0.32
6.35 TO 6.53 0.33
6.54 TO 6.73 0.34
6.74 TO 6.92 0.35
6.93 TO 7.12 0.36
7.13 TO 7.31 0.37
7.32 TO 7.51 0.38
7.52 TO 7.70 0.39
7.71 TO 7.90 0.40
7.91 TO 8.09 0.41
8.10 TO 8.29 0.42
8.30 TO 8.48 0.43
8.49 TO 8.68 0.44
8.69 TO 8.87 0.45
8.88 TO 9.07 0.46
9.08 TO 9.26 0.47
9.27 TO 9.46 0.48
9.47 TO 9.65 0.49
9.66 TO 9.85 0.50

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

5 1/4% Tax Rate

IF TRANSACTION IS:
0.01 TO 0.09

TAX IS:

0.10 TO 0.28 0.01
0.29 TO 0.47 0.02
0.48 TO 0.66 0.03
0.67 TO 0.85 0.04
0.86 TO 1.04 0.05
1.05 TO 1.23 0.06
1.24 TO 1.42 0.07
1.43 TO 1.61 0.08
1.62 TO 1.80 0.09
1.81 TO 1.99 0.10
2.00 TO 2.19 0.11
2.20 TO 2.38 0.12
2.39 TO 2.57 0.13
2.58 TO 2.76 0.14
2.77 TO 2.95 0.15
2.96 TO 3.14 0.16
3.15 TO 3.33 0.17
3.34 TO 3.52 0.18
3.53 TO 3.71 0.19
3.72 TO 3.90 0.20
3.91 TO 4.09 0.21
4.10 TO 4.28 0.22
4.29 TO 4.47 0.23
4.48 TO 4.66 0.24
4.67 TO 4.85 0.25
4.86 TO 5.04 0.26
5.05 TO 5.23 0.27
5.24 TO 5.42 0.28
5.43 TO 5.61 0.29
5.62 TO 5.80 0.30
5.81 TO 5.99 0.31
6.00 TO 6.19 0.32
6.20 TO 6.38 0.33
6.39 TO 6.57 0.34
6.58 TO 6.76 0.35
6.77 TO 6.95 0.36
6.96 TO 7.14 0.37
7.15 TO 7.33 0.38
7.34 TO 7.52 0.39
7.53 TO 7.71 0.40
7.72 TO 7.90 0.41
7.91 TO 8.09 0.42
8.10 TO 8.28 0.43
8.29 TO 8.47 0.44

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

8.48 TO 8.66
8.67 TO 8.85
8.86 TO 9.04
9.05 TO 9.23
9.24 TO 9.42
9.43 TO 9.61
9.62 TO 9.80
9.81 TO 9.99

6.28 TO 6.45
6.46 TO 6.63
6.64 TO 6.81
6.82 TO 6.99
7.00 TO 7.18
7.19 TO 7.36
7.37 TO 7.54
7.55 TO 7.72
7.73 TO 7.90
7.91 TO 8.09
8.10 TO 8.27
8.28 TO 8.45
8.46 TO 8.63
8.64 TO 8.81
8.82 TO 8.99
9.00 TO 9.18
9.19 TO 9.36
9.37 TO 9.54
9.55 TO 9.72
9.73 TO 9.90

5 1/2% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0-00 TO 0.09
0.10 TO 0.27
0.28 TO 0.45
0.46 TO 0.63
0.64 TO 0.81
0.82 TO 0.99
1.00 TO 1.18
1.19 TO 1.36
1.37 TO 1.54
1.55 TO 1.72
1.73 TO 1.90
1.91 TO 2.09
2.10 TO 2.27
2.28 TO 2.45
2.46 TO 2.63
2.64 TO 2.81
2.82 TO 2.99
3.00 TO 3.18
3.19 TO 3.36
3.37 TO 3.54
3.55 TO 3.72
3.73 TO 3.90
3.91 TO 4.09
4.10 TO 4.27
4.28 TO 4.45
4.46 TO 4.63
4.64 TO 4.81
4.82 TO 4.99
5.00 TO 5.18
5.19 TO 5.36
5.37 TO 5.54
5.55 TO 5.72
5.73 TO 5.90
5.91 TO 6.09
6.10 TO 6.27

IF TRANSACTION IS:

TAX IS:

0.01 0-00 TO 0.08
0.09 TO 0.26
0.27 TO 0.43
0.44 TO 0.60
0.61 TO 0.78
0.79 TO 0.95
0.96 TO 1.13
1.14 TO 1.30
1.31 TO 1.47
1.48 TO 1.65
1.66 TO 1.82
1.83 TO 1.99
2.00 TO 2.17
2.18 TO 2.34
2.35 TO 2.52
2.53 TO 2.69
2.70 TO 2.86
2.87 TO 3.04
3.05 TO 3.21
3.22 TO 3.39
3.40 TO 3.56
3.57 TO 3.73
3.74 TO 3.91

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.92 TO 4.08
4.09 TO 4.26
4.27 TO 4.43
4.44 TO 4.60
4.61 TO 4.78
4.79 TO 4.95
4.96 TO 5.13
5.14 TO 5.30
5.31 TO 5.47
5.48 TO 5.65
5.66 TO 5.82
5.83 TO 5.99
6.00 TO 6.17
6.18 TO 6.34
6.35 TO 6.52
6.53 TO 6.69
6.70 TO 6.86
6.87 TO 7.04
7.05 TO 7.21
7.22 TO 7.39
7.40 TO 7.56
7.57 TO 7.73
7.74 TO 7.91
7.92 TO 8.08
8.09 TO 8.26
8.27 TO 8.43
8.44 TO 8.60
8.61 TO 8.78
8.79 TO 8.95
8.96 TO 9.13
9.14 TO 9.30
9.31 TO 9.47
9.48 TO 9.65
9.66 TO 9.82

0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56

6% Tax Rate

IF TRANSACTION IS:

0.01 TO 0.08
0.09 TO 0.24
0.25 TO 0.41
0.42 TO 0.58
0.59 TO 0.74
0.75 TO 0.91
0.92 TO 1.08
1.09 TO 1.24
1.25 TO 1.41

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1.42 TO 1.58
1.59 TO 1.74
1.75 TO 1.91
1.92 TO 2.08
2.09 TO 2.24
2.25 TO 2.41
2.42 TO 2.58
2.59 TO 2.74
2.75 TO 2.91
2.92 TO 3.08
3.09 TO 3.24
3.25 TO 3.41
3.42 TO 3.58
3.59 TO 3.74
3.75 TO 3.91
3.92 TO 4.08
4.09 TO 4.24
4.25 TO 4.41
4.42 TO 4.58
4.59 TO 4.74
4.75 TO 4.91
4.92 TO 5.08
5.09 TO 5.24
5.25 TO 5.41
5.42 TO 5.58
5.59 TO 5.74
5.75 TO 5.91
5.92 TO 6.08
6.09 TO 6.24
6.25 TO 6.41
6.42 TO 6.58
6.59 TO 6.74
6.75 TO 6.91
6.92 TO 7.08
7.09 TO 7.24
7.25 TO 7.41
7.42 TO 7.58
7.59 TO 7.74
7.75 TO 7.91
7.92 TO 8.08
8.09 TO 8.24
8.25 TO 8.41
8.42 TO 8.58
8.59 TO 8.74
8.75 TO 8.91
8.92 TO 9.08
9.09 TO 9.24
9.25 TO 9.41

0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

9.42 TO 9.58
9.59 TO 9.74
9.75 TO 9.91

6 1/8% Tax Rate

IF TRANSACTION IS:

0.01 TO 0.08
0.09 TO 0.24
0.25 TO 0.40
0.41 TO 0.57
0.58 TO 0.73
0.74 TO 0.89
0.90 TO 1.06
1.07 TO 1.22
1.23 TO 1.38
1.39 TO 1.55
1.56 TO 1.71
1.72 TO 1.87
1.88 TO 2.04
2.05 TO 2.20
2.21 TO 2.36
2.37 TO 2.53
2.54 TO 2.69
2.70 TO 2.85
2.86 TO 3.02
3.03 TO 3.18
3.19 TO 3.34
3.35 TO 3.51
3.52 TO 3.67
3.68 TO 3.83
3.84 TO 3.99
4.00 TO 4.16
4.17 TO 4.32
4.33 TO 4.48
4.49 TO 4.65
4.66 TO 4.81
4.82 TO 4.97
4.98 TO 5.14
5.15 TO 5.30
5.31 TO 5.46
5.47 TO 5.63
5.64 TO 5.79
5.80 TO 5.95
5.96 TO 6.12
6.13 TO 6.28
6.29 TO 6.44

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

6.45 TO 6.61
6.62 TO 6.77
6.78 TO 6.93
6.94 TO 7.10
7.11 TO 7.26
7.27 TO 7.42
7.43 TO 7.59
7.60 TO 7.75
7.76 TO 7.91
7.92 TO 8.08
8.09 TO 8.24
8.25 TO 8.40
8.41 TO 8.57
8.58 TO 8.73
8.74 TO 8.89
8.90 TO 9.06
9.07 TO 9.22
9.23 TO 9.38
9.39 TO 9.55
9.56 TO 9.71
9.72 TO 9.87

6 1/4% Tax Rate

IF TRANSACTION IS:

0.01 TO 0.07
0.08 TO 0.23
0.24 TO 0.39
0.40 TO 0.55
0.56 TO 0.71
0.72 TO 0.87
0.88 TO 1.03
1.04 TO 1.19
1.20 TO 1.35
1.36 TO 1.51
1.52 TO 1.67
1.68 TO 1.83
1.84 TO 1.99
2.00 TO 2.15
2.16 TO 2.31
2.32 TO 2.47
2.48 TO 2.63
2.64 TO 2.79
2.80 TO 2.95
2.96 TO 3.11
3.12 TO 3.27
3.28 TO 3.43

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.44 TO 3.59	0.22
3.60 TO 3.75	0.23
3.76 TO 3.91	0.24
3.92 TO 4.07	0.25
4.08 TO 4.23	0.26
4.24 TO 4.39	0.27
4.40 TO 4.55	0.28
4.56 TO 4.71	0.29
4.72 TO 4.87	0.30
4.88 TO 5.03	0.31
5.04 TO 5.19	0.32
5.20 TO 5.35	0.33
5.36 TO 5.51	0.34
5.52 TO 5.67	0.35
5.68 TO 5.83	0.36
5.84 TO 5.99	0.37
6.00 TO 6.15	0.38
6.16 TO 6.31	0.39
6.32 TO 6.47	0.40
6.48 TO 6.63	0.41
6.64 TO 6.79	0.42
6.80 TO 6.95	0.43
6.96 TO 7.11	0.44
7.12 TO 7.27	0.45
7.28 TO 7.43	0.46
7.44 TO 7.59	0.47
7.60 TO 7.75	0.48
7.76 TO 7.91	0.49
7.92 TO 8.07	0.50
8.08 TO 8.23	0.51
8.24 TO 8.39	0.52
8.40 TO 8.55	0.53
8.56 TO 8.71	0.54
8.72 TO 8.87	0.55
8.88 TO 9.03	0.56
9.04 TO 9.19	0.57
9.20 TO 9.35	0.58
9.36 TO 9.51	0.5
9.52 TO 9.67	0.60
9.68 TO 9.83	0.61
9.84 TO 9.99	0.62

6 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.07
0.08 TO 0.23TAX IS:
0.00
0.01

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.24 TO 0.38	0.02
0.39 TO 0.53	0.03
0.54 TO 0.69	0.04
0.70 TO 0.84	0.05
0.85 TO 0.99	0.06
1.00 TO 1.15	0.07
1.16 TO 1.30	0.08
1.31 TO 1.46	0.09
1.47 TO 1.61	0.10
1.62 TO 1.76	0.11
1.77 TO 1.92	0.12
1.93 TO 2.07	0.13
2.08 TO 2.23	0.14
2.24 TO 2.38	0.15
2.39 TO 2.53	0.16
2.54 TO 2.69	0.17
2.70 TO 2.84	0.18
2.85 TO 2.99	0.19
3.00 TO 3.15	0.20
3.16 TO 3.30	0.21
3.31 TO 3.46	0.22
3.47 TO 3.61	0.23
3.62 TO 3.76	0.24
3.77 TO 3.92	0.25
3.93 TO 4.07	0.26
4.08 TO 4.23	0.27
4.24 TO 4.38	0.28
4.39 TO 4.53	0.29
4.54 TO 4.69	0.30
4.70 TO 4.84	0.31
4.85 TO 4.99	0.32
5.00 TO 5.15	0.33
5.16 TO 5.30	0.34
5.31 TO 5.46	0.35
5.47 TO 5.61	0.36
5.62 TO 5.76	0.37
5.77 TO 5.92	0.38
5.93 TO 6.07	0.39
6.08 TO 6.23	0.40
6.24 TO 6.38	0.41
6.39 TO 6.53	0.42
6.54 TO 6.69	0.43
6.70 TO 6.84	0.44
6.85 TO 6.99	0.45
7.00 TO 7.15	0.46
7.16 TO 7.30	0.47
7.31 TO 7.46	0.48
7.47 TO 7.61	0.49

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.62 TO	7.76
7.77 TO	7.92
7.93 TO	8.07
8.08 TO	8.23
8.24 TO	8.38
8.39 TO	8.53
8.54 TO	8.69
8.70 TO	8.84
8.85 TO	8.99
9.00 TO	9.15
9.16 TO	9.30
9.31 TO	9.46
9.47 TO	9.61
9.62 TO	9.76
9.77 TO	9.92

6 3/4% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO	0.07
0.08 TO	0.22
0.23 TO	0.37
0.38 TO	0.51
0.52 TO	0.66
0.67 TO	0.81
0.82 TO	0.96
0.97 TO	1.11
1.12 TO	1.25
1.26 TO	1.40
1.41 TO	1.55
1.56 TO	1.70
1.71 TO	1.85
1.86 TO	1.99
2.00 TO	2.14
2.15 TO	2.29
2.30 TO	2.44
2.45 TO	2.59
2.60 TO	2.74
2.75 TO	2.88
2.89 TO	3.03
3.04 TO	3.18
3.19 TO	3.33
3.34 TO	3.48
3.49 TO	3.62
3.63 TO	3.77
3.78 TO	3.92
3.93 TO	4.07

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.08 TO	4.22
4.23 TO	4.37
4.38 TO	4.51
4.52 TO	4.66
4.67 TO	4.81
4.82 TO	4.96
4.97 TO	5.11
5.12 TO	5.25
5.26 TO	5.40
5.41 TO	5.55
5.56 TO	5.70
5.71 TO	5.85
5.86 TO	5.99
6.00 TO	6.14
6.15 TO	6.29
6.30 TO	6.44
6.45 TO	6.59
6.60 TO	6.74
6.75 TO	6.88
6.89 TO	7.03
7.04 TO	7.18
7.19 TO	7.33
7.34 TO	7.48
7.49 TO	7.62
7.63 TO	7.77
7.78 TO	7.92
7.93 TO	8.07
8.08 TO	8.22
8.23 TO	8.37
8.38 TO	8.51
8.52 TO	8.66
8.67 TO	8.81
8.82 TO	8.96
8.97 TO	9.11
9.12 TO	9.25
9.26 TO	9.40
9.41 TO	9.55
9.56 TO	9.70
9.71 TO	9.85
9.86 TO	9.99

7 3/4% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO	0.07
0.08 TO	0.21
0.22 TO	0.35

TAX IS:

0.00
0.01
0.02

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.36 TO 0.49
0.50 TO 0.64
0.65 TO 0.78
0.79 TO 0.92
0.93 TO 1.07
1.08 TO 1.21
1.22 TO 1.35
1.36 TO 1.49
1.50 TO 1.64
1.65 TO 1.78
1.79 TO 1.92
1.93 TO 2.07
2.08 TO 2.21
2.22 TO 2.35
2.36 TO 2.49
2.50 TO 2.64
2.65 TO 2.78
2.79 TO 2.92
2.93 TO 3.07
3.08 TO 3.21
3.22 TO 3.35
3.36 TO 3.49
3.50 TO 3.64
3.65 TO 3.78
3.79 TO 3.92
3.93 TO 4.07
4.08 TO 4.21
4.22 TO 4.35
4.36 TO 4.49
4.50 TO 4.64
4.65 TO 4.78
4.79 TO 4.92
4.93 TO 5.07
5.08 TO 5.21
5.22 TO 5.35
5.36 TO 5.49
5.50 TO 5.64
5.65 TO 5.78
5.79 TO 5.92
5.93 TO 6.07
6.08 TO 6.21
6.22 TO 6.35
6.36 TO 6.49
6.50 TO 6.64
6.65 TO 6.78
6.79 TO 6.92
6.93 TO 7.07
7.08 TO 7.21

0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.22 TO 7.35
7.36 TO 7.49
7.50 TO 7.64
7.65 TO 7.78
7.79 TO 7.92
7.93 TO 8.07
8.08 TO 8.21
8.22 TO 8.35
8.36 TO 8.49
8.50 TO 8.64
8.65 TO 8.78
8.79 TO 8.92
8.93 TO 9.07
9.08 TO 9.21
9.22 TO 9.35
9.36 TO 9.49
9.50 TO 9.64
9.65 TO 9.78
9.79 TO 9.92

0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67
0.68
0.69

7 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.07

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.30 TO 3.43	0.24
3.44 TO 3.57	0.25
3.58 TO 3.71	0.26
3.72 TO 3.85	0.27
3.86 TO 3.99	0.28
4.00 TO 4.14	0.29
4.15 TO 4.28	0.30
4.29 TO 4.42	0.31
4.43 TO 4.56	0.32
4.57 TO 4.70	0.33
4.71 TO 4.84	0.34
4.85 TO 4.98	0.35
4.99 TO 5.12	0.36
5.13 TO 5.26	0.37
5.27 TO 5.40	0.38
5.41 TO 5.54	0.39
5.55 TO 5.68	0.40
5.69 TO 5.82	0.41
5.83 TO 5.96	0.42
5.97 TO 6.10	0.43
6.11 TO 6.24	0.44
6.25 TO 6.38	0.45
6.39 TO 6.52	0.46
6.53 TO 6.66	0.47
6.67 TO 6.80	0.48
6.81 TO 6.94	0.49
6.95 TO 7.08	0.50
7.09 TO 7.22	0.51
7.23 TO 7.36	0.52
7.37 TO 7.50	0.53
7.51 TO 7.64	0.54
7.65 TO 7.78	0.55
7.79 TO 7.92	0.56
7.93 TO 8.07	0.57
8.08 TO 8.21	0.58
8.22 TO 8.35	0.59
8.36 TO 8.49	0.60
8.50 TO 8.63	0.61
8.64 TO 8.77	0.62
8.78 TO 8.91	0.63
8.92 TO 9.05	0.64
9.06 TO 9.19	0.65
9.20 TO 9.33	0.66
9.34 TO 9.47	0.67
9.48 TO 9.61	0.68
9.62 TO 9.75	0.69
9.76 TO 9.89	0.70

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7 1/4% Tax Rate	IF TRANSACTION IS:	TAX IS:
0.01 TO 0.20	0.01 TO 0.06	0.00
0.21 TO 0.34		0.01
0.35 TO 0.48		0.02
0.49 TO 0.62		0.03
0.63 TO 0.75		0.04
0.76 TO 0.89		0.05
0.90 TO 1.03		0.06
1.04 TO 1.17		0.07
1.18 TO 1.31		0.08
1.32 TO 1.44		0.09
1.45 TO 1.58		0.10
1.59 TO 1.72		0.11
1.73 TO 1.86		0.12
1.87 TO 1.99		0.13
2.00 TO 2.13		0.14
2.14 TO 2.27		0.15
2.28 TO 2.41		0.16
2.42 TO 2.55		0.17
2.56 TO 2.68		0.18
2.69 TO 2.82		0.19
2.83 TO 2.96		0.20
2.97 TO 3.10		0.21
3.11 TO 3.24		0.22
3.25 TO 3.37		0.23
3.38 TO 3.51		0.24
3.52 TO 3.65		0.25
3.66 TO 3.79		0.26
3.80 TO 3.93		0.27
3.94 TO 4.06		0.28
4.07 TO 4.20		0.29
4.21 TO 4.34		0.30
4.35 TO 4.48		0.31
4.49 TO 4.62		0.32
4.63 TO 4.75		0.33
4.76 TO 4.89		0.34
4.90 TO 5.03		0.35
5.04 TO 5.17		0.36
5.18 TO 5.31		0.37
5.32 TO 5.44		0.38
5.45 TO 5.58		0.39
5.59 TO 5.72		0.40
5.73 TO 5.86		0.41
5.87 TO 5.99		0.42
6.00 TO 6.13		0.43
		0.44

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

6.14	TO	6.27	0.45
6.28	TO	6.41	0.46
6.42	TO	6.55	0.47
6.56	TO	6.68	0.48
6.69	TO	6.82	0.49
6.83	TO	6.96	0.50
6.97	TO	7.10	0.51
7.11	TO	7.24	0.52
7.25	TO	7.37	0.53
7.38	TO	7.51	0.54
7.52	TO	7.65	0.55
7.66	TO	7.79	0.56
7.80	TO	7.93	0.57
7.94	TO	8.06	0.58
8.07	TO	8.20	0.59
8.21	TO	8.34	0.60
8.35	TO	8.48	0.61
8.49	TO	8.62	0.62
8.63	TO	8.75	0.63
8.76	TO	8.89	0.64
8.90	TO	9.03	0.65
9.04	TO	9.17	0.66
9.18	TO	9.31	0.67
9.32	TO	9.44	0.68
9.45	TO	9.58	0.69
9.59	TO	9.72	0.70
9.73	TO	9.86	0.71

7 1/2% Tax Rate

IF TRANSACTION IS:
0.01 9-99 TO 0.06

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2.07	TO	2.19	0.16
2.20	TO	2.33	0.17
2.34	TO	2.46	0.18
2.47	TO	2.59	0.19
2.60	TO	2.73	0.20
2.74	TO	2.86	0.21
2.87	TO	2.99	0.22
3.00	TO	3.13	0.23
3.14	TO	3.26	0.24
3.27	TO	3.39	0.25
3.40	TO	3.53	0.26
3.54	TO	3.66	0.27
3.67	TO	3.79	0.28
3.80	TO	3.93	0.29
3.94	TO	4.06	0.30
4.07	TO	4.19	0.31
4.20	TO	4.33	0.32
4.34	TO	4.46	0.33
4.47	TO	4.59	0.34
4.60	TO	4.73	0.35
4.74	TO	4.86	0.36
4.87	TO	4.99	0.37
5.00	TO	5.13	0.38
5.14	TO	5.26	0.39
5.27	TO	5.39	0.40
5.40	TO	5.53	0.41
5.54	TO	5.66	0.42
5.67	TO	5.79	0.43
5.80	TO	5.93	0.44
5.94	TO	6.06	0.45
6.07	TO	6.19	0.46
6.20	TO	6.33	0.47
6.34	TO	6.46	0.48
6.47	TO	6.59	0.49
6.60	TO	6.73	0.50
6.74	TO	6.86	0.51
6.87	TO	6.99	0.52
7.00	TO	7.13	0.53
7.14	TO	7.26	0.54
7.27	TO	7.39	0.55
7.40	TO	7.53	0.56
7.54	TO	7.66	0.57
7.67	TO	7.79	0.58
7.80	TO	7.93	0.59
7.94	TO	8.06	0.60
8.07	TO	8.19	0.61
8.20	TO	8.33	0.62
8.34	TO	8.46	0.63

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

4.07	TO	4.19	0.32
4.20	TO	4.32	0.33
4.33	TO	4.45	0.34
4.46	TO	4.58	0.35
4.59	TO	4.70	0.36
4.71	TO	4.83	0.37
4.84	TO	4.96	0.38
4.97	TO	5.09	0.39
5.10	TO	5.22	0.40
5.23	TO	5.35	0.41
5.36	TO	5.48	0.42
5.49	TO	5.61	0.43
5.62	TO	5.74	0.44
5.75	TO	5.87	0.45
5.88	TO	5.99	0.46
6.00	TO	6.12	0.47
6.13	TO	6.25	0.48
6.26	TO	6.38	0.49
6.39	TO	6.51	0.50
6.52	TO	6.64	0.51
6.65	TO	6.77	0.52
6.78	TO	6.90	0.53
6.91	TO	7.03	0.54
7.04	TO	7.16	0.55
7.17	TO	7.29	0.56
7.30	TO	7.41	0.57
7.42	TO	7.54	0.58
7.55	TO	7.67	0.59
7.68	TO	7.80	0.60
7.81	TO	7.93	0.61
7.94	TO	8.06	0.62
8.07	TO	8.19	0.63
8.20	TO	8.32	0.64
8.33	TO	8.45	0.65
8.46	TO	8.58	0.66
8.59	TO	8.70	0.67
8.71	TO	8.83	0.68
8.84	TO	8.96	0.69
8.97	TO	9.09	0.70
9.10	TO	9.22	0.71
9.23	TO	9.35	0.72
9.36	TO	9.48	0.73
9.49	TO	9.61	0.74
9.62	TO	9.74	0.75
9.75	TO	9.87	0.76
9.88	TO	9.99	0.77

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

8.47	TO	8.59	0.64
8.60	TO	8.73	0.65
8.74	TO	8.86	0.66
8.87	TO	8.99	0.67
9.00	TO	9.13	0.68
9.14	TO	9.26	0.69
9.27	TO	9.39	0.70
9.40	TO	9.53	0.71
9.54	TO	9.66	0.72
9.67	TO	9.79	0.73
9.80	TO	9.93	0.74

7 3/4% Tax Rate

TAX IS:

IF TRANSACTION IS:

0.01	0.00	TO	0.06
0.07	TO	0.19	0.01
0.20	TO	0.32	0.02
0.33	TO	0.45	0.03
0.46	TO	0.58	0.04
0.59	TO	0.70	0.05
0.71	TO	0.83	0.06
0.84	TO	0.96	0.07
0.97	TO	1.09	0.08
1.10	TO	1.22	0.09
1.23	TO	1.35	0.10
1.36	TO	1.48	0.11
1.49	TO	1.61	0.12
1.62	TO	1.74	0.13
1.75	TO	1.87	0.14
1.88	TO	1.99	0.15
2.00	TO	2.12	0.16
2.13	TO	2.25	0.17
2.26	TO	2.38	0.18
2.39	TO	2.51	0.19
2.52	TO	2.64	0.20
2.65	TO	2.77	0.21
2.78	TO	2.90	0.22
2.91	TO	3.03	0.23
3.04	TO	3.16	0.24
3.17	TO	3.29	0.25
3.30	TO	3.41	0.26
3.42	TO	3.54	0.27
3.55	TO	3.67	0.28
3.68	TO	3.80	0.29
3.81	TO	3.93	0.30
3.94	TO	4.06	0.31

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

5.57 TO 5.68 0.45
5.69 TO 5.81 0.46
5.82 TO 5.93 0.47
5.94 TO 6.06 0.48
6.07 TO 6.18 0.49
6.19 TO 6.31 0.50
6.32 TO 6.43 0.51
6.44 TO 6.56 0.52
6.57 TO 6.68 0.53
6.69 TO 6.81 0.54
6.82 TO 6.93 0.55
6.94 TO 7.06 0.56
7.07 TO 7.18 0.57
7.19 TO 7.31 0.58
7.32 TO 7.43 0.59
7.44 TO 7.56 0.60
7.57 TO 7.68 0.61
7.69 TO 7.81 0.62
7.82 TO 7.93 0.63
7.94 TO 8.06 0.64
8.07 TO 8.18 0.65
8.19 TO 8.31 0.66
8.32 TO 8.43 0.67
8.44 TO 8.56 0.68
8.57 TO 8.68 0.69
8.69 TO 8.81 0.70
8.82 TO 8.93 0.71
8.94 TO 9.06 0.72
9.07 TO 9.18 0.73
9.19 TO 9.31 0.74
9.32 TO 9.43 0.75
9.44 TO 9.56 0.76
9.57 TO 9.68 0.77
9.69 TO 9.81 0.78
9.82 TO 9.93 0.79

8 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.06
0.07 TO 0.18 0.01
0.19 TO 0.30 0.02
0.31 TO 0.42 0.03
0.43 TO 0.54 0.04
0.55 TO 0.66 0.05
0.67 TO 0.78 0.06
0.79 TO 0.90 0.07

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

8% Tax Rate

TAX IS:

IF TRANSACTION IS:
0.01 0.00 TO 0.06

0.07 TO 0.18 0.01
0.19 TO 0.31 0.02
0.32 TO 0.43 0.03
0.44 TO 0.56 0.04
0.57 TO 0.68 0.05
0.69 TO 0.81 0.06
0.82 TO 0.93 0.07
0.94 TO 1.06 0.08
1.07 TO 1.18 0.09
1.19 TO 1.31 0.10
1.32 TO 1.43 0.11
1.44 TO 1.56 0.12
1.57 TO 1.68 0.13
1.69 TO 1.81 0.14
1.82 TO 1.93 0.15
1.94 TO 2.06 0.16
2.07 TO 2.18 0.17
2.19 TO 2.31 0.18
2.32 TO 2.43 0.19
2.44 TO 2.56 0.20
2.57 TO 2.68 0.21
2.69 TO 2.81 0.22
2.82 TO 2.93 0.23
2.94 TO 3.06 0.24
3.07 TO 3.18 0.25
3.19 TO 3.31 0.26
3.32 TO 3.43 0.27
3.44 TO 3.56 0.28
3.57 TO 3.68 0.29
3.69 TO 3.81 0.30
3.82 TO 3.93 0.31
3.94 TO 4.06 0.32
4.07 TO 4.18 0.33
4.19 TO 4.31 0.34
4.32 TO 4.43 0.35
4.44 TO 4.56 0.36
4.57 TO 4.68 0.37
4.69 TO 4.81 0.38
4.82 TO 4.93 0.39
4.94 TO 5.06 0.40
5.07 TO 5.18 0.41
5.19 TO 5.31 0.42
5.32 TO 5.43 0.43
5.44 TO 5.56 0.44

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.91 TO 1.03 0.08
1.04 TO 1.15 0.09
1.16 TO 1.27 0.10
1.28 TO 1.39 0.11
1.40 TO 1.51 0.12
1.52 TO 1.63 0.13
1.64 TO 1.75 0.14
1.76 TO 1.87 0.15
1.88 TO 1.99 0.16
2.00 TO 2.12 0.17
2.13 TO 2.24 0.18
2.25 TO 2.36 0.19
2.37 TO 2.48 0.20
2.49 TO 2.60 0.21
2.61 TO 2.72 0.22
2.73 TO 2.84 0.23
2.85 TO 2.96 0.24
2.97 TO 3.09 0.25
3.10 TO 3.21 0.26
3.22 TO 3.33 0.27
3.34 TO 3.45 0.28
3.46 TO 3.57 0.29
3.58 TO 3.69 0.30
3.70 TO 3.81 0.31
3.82 TO 3.93 0.32
3.94 TO 4.06 0.33
4.07 TO 4.18 0.34
4.19 TO 4.30 0.35
4.31 TO 4.42 0.36
4.43 TO 4.54 0.37
4.55 TO 4.66 0.38
4.67 TO 4.78 0.39
4.79 TO 4.90 0.40
4.91 TO 5.03 0.41
5.04 TO 5.15 0.42
5.16 TO 5.27 0.43
5.28 TO 5.39 0.44
5.40 TO 5.51 0.45
5.52 TO 5.63 0.46
5.64 TO 5.75 0.47
5.76 TO 5.87 0.48
5.88 TO 5.99 0.49
6.00 TO 6.12 0.50
6.13 TO 6.24 0.51
6.25 TO 6.36 0.52
6.37 TO 6.48 0.53
6.49 TO 6.60 0.54
6.61 TO 6.72 0.55

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

6.73 TO 6.84 0.56
6.85 TO 6.96 0.57
6.97 TO 7.09 0.58
7.10 TO 7.21 0.59
7.22 TO 7.33 0.60
7.34 TO 7.45 0.61
7.46 TO 7.57 0.62
7.58 TO 7.69 0.63
7.70 TO 7.81 0.64
7.82 TO 7.93 0.65
7.94 TO 8.06 0.66
8.07 TO 8.18 0.67
8.19 TO 8.30 0.68
8.31 TO 8.42 0.69
8.43 TO 8.54 0.70
8.55 TO 8.66 0.71
8.67 TO 8.78 0.72
8.79 TO 8.90 0.73
8.91 TO 9.03 0.74
9.04 TO 9.15 0.75
9.16 TO 9.27 0.76
9.28 TO 9.39 0.77
9.40 TO 9.51 0.78
9.52 TO 9.63 0.79
9.64 TO 9.75 0.80
9.76 TO 9.87 0.81
9.88 TO 9.99 0.82
10.00 TO 10.12 0.83

8 1/2% Tax Rate

IF TRANSACTION IS: TAX IS:
0.01 TO 0.05 0.00
0.06 TO 0.17 0.01
0.18 TO 0.29 0.02
0.30 TO 0.41 0.03
0.42 TO 0.52 0.04
0.53 TO 0.64 0.05
0.65 TO 0.76 0.06
0.77 TO 0.88 0.07
0.89 TO 0.99 0.08
1.00 TO 1.11 0.09
1.12 TO 1.23 0.10
1.24 TO 1.35 0.11
1.36 TO 1.47 0.12
1.48 TO 1.58 0.13
1.59 TO 1.70 0.14

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1.71 TO 1.82
1.83 TO 1.94
1.95 TO 2.05
2.06 TO 2.17
2.18 TO 2.29
2.30 TO 2.41
2.42 TO 2.52
2.53 TO 2.64
2.65 TO 2.76
2.77 TO 2.88
2.89 TO 2.99
3.00 TO 3.11
3.12 TO 3.23
3.24 TO 3.35
3.36 TO 3.47
3.48 TO 3.58
3.59 TO 3.70
3.71 TO 3.82
3.83 TO 3.94
3.95 TO 4.05
4.06 TO 4.17
4.18 TO 4.29
4.30 TO 4.41
4.42 TO 4.52
4.53 TO 4.64
4.65 TO 4.76
4.77 TO 4.88
4.89 TO 4.99
5.00 TO 5.11
5.12 TO 5.23
5.24 TO 5.35
5.36 TO 5.47
5.48 TO 5.58
5.59 TO 5.70
5.71 TO 5.82
5.83 TO 5.94
5.95 TO 6.05
6.06 TO 6.17
6.18 TO 6.29
6.30 TO 6.41
6.42 TO 6.52
6.53 TO 6.64
6.65 TO 6.76
6.77 TO 6.88
6.89 TO 6.99
7.00 TO 7.11
7.12 TO 7.23
7.24 TO 7.35

0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.36 TO 7.47
7.48 TO 7.58
7.59 TO 7.70
7.71 TO 7.82
7.83 TO 7.94
7.95 TO 8.05
8.06 TO 8.17
8.18 TO 8.29
8.30 TO 8.41
8.42 TO 8.52
8.53 TO 8.64
8.65 TO 8.76
8.77 TO 8.88
8.89 TO 8.99
9.00 TO 9.11
9.12 TO 9.23
9.24 TO 9.35
9.36 TO 9.47
9.48 TO 9.58
9.59 TO 9.70
9.71 TO 9.82
9.83 TO 9.94
9.95 TO 10.00

0.63
0.64
0.65
0.66
0.67
0.68
0.69
0.70
0.71
0.72
0.73
0.74
0.75
0.76
0.77
0.78
0.79
0.80
0.81
0.82
0.83
0.84
0.85

8 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05
0.06 TO 0.17
0.18 TO 0.28
0.29 TO 0.39
0.40 TO 0.51
0.52 TO 0.62
0.63 TO 0.74
0.75 TO 0.85
0.86 TO 0.97
0.98 TO 1.08
1.09 TO 1.19
1.20 TO 1.31
1.32 TO 1.42
1.43 TO 1.54
1.55 TO 1.65
1.66 TO 1.77
1.78 TO 1.88
1.89 TO 1.99
2.00 TO 2.11
2.12 TO 2.22

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

7.72 TO 7.82 0.68
7.83 TO 7.94 0.69
7.95 TO 8.05 0.70
8.06 TO 8.17 0.71
8.18 TO 8.28 0.72
8.29 TO 8.39 0.73
8.40 TO 8.51 0.74
8.52 TO 8.62 0.75
8.63 TO 8.74 0.76
8.75 TO 8.85 0.77
8.86 TO 8.97 0.78
8.98 TO 9.08 0.79
9.09 TO 9.19 0.80
9.20 TO 9.31 0.81
9.32 TO 9.42 0.82
9.43 TO 9.54 0.83
9.55 TO 9.65 0.84
9.66 TO 9.77 0.85
9.78 TO 9.88 0.86
9.89 TO 9.99 0.87
10.00 TO 10.11 0.88

9% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

2.23 TO 2.34 0.20
2.35 TO 2.45 0.21
2.46 TO 2.57 0.22
2.58 TO 2.68 0.23
2.69 TO 2.79 0.24
2.80 TO 2.91 0.25
2.92 TO 3.02 0.26
3.03 TO 3.14 0.27
3.15 TO 3.25 0.28
3.26 TO 3.37 0.29
3.38 TO 3.48 0.30
3.49 TO 3.59 0.31
3.60 TO 3.71 0.32
3.72 TO 3.82 0.33
3.83 TO 3.94 0.34
3.95 TO 4.05 0.35
4.06 TO 4.17 0.36
4.18 TO 4.28 0.37
4.29 TO 4.39 0.38
4.40 TO 4.51 0.39
4.52 TO 4.62 0.40
4.63 TO 4.74 0.41
4.75 TO 4.85 0.42
4.86 TO 4.97 0.43
4.98 TO 5.08 0.44
5.09 TO 5.19 0.45
5.20 TO 5.31 0.46
5.32 TO 5.42 0.47
5.43 TO 5.54 0.48
5.55 TO 5.65 0.49
5.66 TO 5.77 0.50
5.78 TO 5.88 0.51
5.89 TO 5.99 0.52
6.00 TO 6.11 0.53
6.12 TO 6.22 0.54
6.23 TO 6.34 0.55
6.35 TO 6.45 0.56
6.46 TO 6.57 0.57
6.58 TO 6.68 0.58
6.69 TO 6.79 0.59
6.80 TO 6.91 0.60
6.92 TO 7.02 0.61
7.03 TO 7.14 0.62
7.15 TO 7.25 0.63
7.26 TO 7.37 0.64
7.38 TO 7.48 0.65
7.49 TO 7.59 0.66
7.60 TO 7.71 0.67

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2.39 TO 2.49
2.50 TO 2.61
2.62 TO 2.72
2.73 TO 2.83
2.84 TO 2.94
2.95 TO 3.05
3.06 TO 3.16
3.17 TO 3.27
3.28 TO 3.38
3.39 TO 3.49
3.50 TO 3.61
3.62 TO 3.72
3.73 TO 3.83
3.84 TO 3.94
3.95 TO 4.05
4.06 TO 4.16
4.17 TO 4.27
4.28 TO 4.38
4.39 TO 4.49
4.50 TO 4.61
4.62 TO 4.72
4.73 TO 4.83
4.84 TO 4.94
4.95 TO 5.05
5.06 TO 5.16
5.17 TO 5.27
5.28 TO 5.38
5.39 TO 5.49
5.50 TO 5.61
5.62 TO 5.72
5.73 TO 5.83
5.84 TO 5.94
5.95 TO 6.05
6.06 TO 6.16
6.17 TO 6.27
6.28 TO 6.38
6.39 TO 6.49
6.50 TO 6.61
6.62 TO 6.72
6.73 TO 6.83
6.84 TO 6.94
6.95 TO 7.05
7.06 TO 7.16
7.17 TO 7.27
7.28 TO 7.38
7.39 TO 7.49
7.50 TO 7.61
7.62 TO 7.72

0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67
0.68
0.69

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.73 TO 7.83
7.84 TO 7.94
7.95 TO 8.05
8.06 TO 8.16
8.17 TO 8.27
8.28 TO 8.38
8.39 TO 8.49
8.50 TO 8.61
8.62 TO 8.72
8.73 TO 8.83
8.84 TO 8.94
8.95 TO 9.05
9.06 TO 9.16
9.17 TO 9.27
9.28 TO 9.38
9.39 TO 9.49
9.50 TO 9.61
9.62 TO 9.72
9.73 TO 9.83
9.84 TO 9.94
9.95 TO 10.00

0.70
0.71
0.72
0.73
0.74
0.75
0.76
0.77
0.78
0.79
0.80
0.81
0.82
0.83
0.84
0.85
0.86
0.87
0.88
0.89
0.90

9 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05
0.06 TO 0.16
0.17 TO 0.27
0.28 TO 0.37
0.38 TO 0.48
0.49 TO 0.59
0.60 TO 0.70
0.71 TO 0.81
0.82 TO 0.91
0.92 TO 1.02
1.03 TO 1.13
1.14 TO 1.24
1.25 TO 1.35
1.36 TO 1.45
1.46 TO 1.56
1.57 TO 1.67
1.68 TO 1.78
1.79 TO 1.89
1.90 TO 1.99
2.00 TO 2.10
2.11 TO 2.21
2.22 TO 2.32

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2.33 TO 2.43 0.22
2.44 TO 2.54 0.23
2.55 TO 2.64 0.24
2.65 TO 2.75 0.25
2.76 TO 2.86 0.26
2.87 TO 2.97 0.27
2.98 TO 3.08 0.28
3.09 TO 3.18 0.29
3.19 TO 3.29 0.30
3.30 TO 3.40 0.31
3.41 TO 3.51 0.32
3.52 TO 3.62 0.33
3.63 TO 3.72 0.34
3.73 TO 3.83 0.35
3.84 TO 3.94 0.36
3.95 TO 4.05 0.37
4.06 TO 4.16 0.38
4.17 TO 4.27 0.39
4.28 TO 4.37 0.40
4.38 TO 4.48 0.41
4.49 TO 4.59 0.42
4.60 TO 4.70 0.43
4.71 TO 4.81 0.44
4.82 TO 4.91 0.45
4.92 TO 5.02 0.46
5.03 TO 5.13 0.47
5.14 TO 5.24 0.48
5.25 TO 5.35 0.49
5.36 TO 5.45 0.50
5.46 TO 5.56 0.51
5.57 TO 5.67 0.52
5.68 TO 5.78 0.53
5.79 TO 5.89 0.54
5.90 TO 5.99 0.55
6.00 TO 6.10 0.56
6.11 TO 6.21 0.57
6.22 TO 6.32 0.58
6.33 TO 6.43 0.59
6.44 TO 6.54 0.60
6.55 TO 6.64 0.61
6.65 TO 6.75 0.62
6.76 TO 6.86 0.63
6.87 TO 6.97 0.64
6.98 TO 7.08 0.65
7.09 TO 7.18 0.66
7.19 TO 7.29 0.67
7.30 TO 7.40 0.68
7.41 TO 7.51 0.69

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.52 TO 7.62 0.70
7.63 TO 7.72 0.71
7.73 TO 7.83 0.72
7.84 TO 7.94 0.73
7.95 TO 8.05 0.74
8.06 TO 8.16 0.75
8.17 TO 8.27 0.76
8.28 TO 8.37 0.77
8.38 TO 8.48 0.78
8.49 TO 8.59 0.79
8.60 TO 8.70 0.80
8.71 TO 8.81 0.81
8.82 TO 8.91 0.82
8.92 TO 9.02 0.83
9.03 TO 9.13 0.84
9.14 TO 9.24 0.85
9.25 TO 9.35 0.86
9.36 TO 9.45 0.87
9.46 TO 9.56 0.88
9.57 TO 9.67 0.89
9.68 TO 9.78 0.90
9.79 TO 9.89 0.91
9.90 TO 9.99 0.92
10.00 TO 10.10 0.93

9 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05

TAX IS:

0.06 TO 0.15 0.00
0.16 TO 0.26 0.01
0.27 TO 0.36 0.02
0.37 TO 0.47 0.03
0.48 TO 0.57 0.04
0.58 TO 0.68 0.05
0.69 TO 0.78 0.06
0.79 TO 0.89 0.07
0.90 TO 0.99 0.08
1.00 TO 1.10 0.09
1.11 TO 1.21 0.10
1.22 TO 1.31 0.11
1.32 TO 1.42 0.12
1.43 TO 1.52 0.13
1.53 TO 1.63 0.14
1.64 TO 1.73 0.15
1.74 TO 1.84 0.16
1.85 TO 1.94 0.17
1.95 TO 2.04 0.18

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1.95 TO 2.05	0.19
2.06 TO 2.15	0.20
2.16 TO 2.26	0.21
2.27 TO 2.36	0.22
2.37 TO 2.47	0.23
2.48 TO 2.57	0.24
2.58 TO 2.68	0.25
2.69 TO 2.78	0.26
2.79 TO 2.89	0.27
2.90 TO 2.99	0.28
3.00 TO 3.10	0.29
3.11 TO 3.21	0.30
3.22 TO 3.31	0.31
3.32 TO 3.42	0.32
3.43 TO 3.52	0.33
3.53 TO 3.63	0.34
3.64 TO 3.73	0.35
3.74 TO 3.84	0.36
3.85 TO 3.94	0.37
3.95 TO 4.05	0.38
4.06 TO 4.15	0.39
4.16 TO 4.26	0.40
4.27 TO 4.36	0.41
4.37 TO 4.47	0.42
4.48 TO 4.57	0.43
4.58 TO 4.68	0.44
4.69 TO 4.78	0.45
4.79 TO 4.89	0.46
4.90 TO 4.99	0.47
5.00 TO 5.10	0.48
5.11 TO 5.21	0.49
5.22 TO 5.31	0.50
5.32 TO 5.42	0.51
5.43 TO 5.52	0.52
5.53 TO 5.63	0.53
5.64 TO 5.73	0.54
5.74 TO 5.84	0.55
5.85 TO 5.94	0.56
5.95 TO 6.05	0.57
6.06 TO 6.15	0.58
6.16 TO 6.26	0.59
6.27 TO 6.36	0.60
6.37 TO 6.47	0.61
6.48 TO 6.57	0.62
6.58 TO 6.68	0.63
6.69 TO 6.78	0.64
6.79 TO 6.89	0.65
6.90 TO 6.99	0.66

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.00 TO 7.10	0.67
7.11 TO 7.21	0.68
7.22 TO 7.31	0.69
7.32 TO 7.42	0.70
7.43 TO 7.52	0.71
7.53 TO 7.63	0.72
7.64 TO 7.73	0.73
7.74 TO 7.84	0.74
7.85 TO 7.94	0.75
7.95 TO 8.05	0.76
8.06 TO 8.15	0.77
8.16 TO 8.26	0.78
8.27 TO 8.36	0.79
8.37 TO 8.47	0.80
8.48 TO 8.57	0.81
8.58 TO 8.68	0.82
8.69 TO 8.78	0.83
8.79 TO 8.89	0.84
8.90 TO 8.99	0.85
9.00 TO 9.10	0.86
9.11 TO 9.21	0.87
9.22 TO 9.31	0.88
9.32 TO 9.42	0.89
9.43 TO 9.52	0.90
9.53 TO 9.63	0.91
9.64 TO 9.73	0.92
9.74 TO 9.84	0.93
9.85 TO 9.94	0.94
9.95 TO 10.00	0.95

9 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05

TAX IS:

0.06 TO 0.15	0.00
0.16 TO 0.25	0.01
0.26 TO 0.35	0.02
0.36 TO 0.46	0.03
0.47 TO 0.56	0.04
0.57 TO 0.66	0.05
0.67 TO 0.76	0.06
0.77 TO 0.87	0.07
0.88 TO 0.97	0.08
0.98 TO 1.07	0.09
1.08 TO 1.17	0.10
1.18 TO 1.28	0.11
1.29 TO 1.38	0.12
	0.13

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

6.31	TO	6.41	0.62
6.42	TO	6.51	0.63
6.52	TO	6.61	0.64
6.62	TO	6.71	0.65
6.72	TO	6.82	0.66
6.83	TO	6.92	0.67
6.93	TO	7.02	0.68
7.03	TO	7.12	0.69
7.13	TO	7.23	0.70
7.24	TO	7.33	0.71
7.34	TO	7.43	0.72
7.44	TO	7.53	0.73
7.54	TO	7.64	0.74
7.65	TO	7.74	0.75
7.75	TO	7.84	0.76
7.85	TO	7.94	0.77
7.95	TO	8.05	0.78
8.06	TO	8.15	0.79
8.16	TO	8.25	0.80
8.26	TO	8.35	0.81
8.36	TO	8.46	0.82
8.47	TO	8.56	0.83
8.57	TO	8.66	0.84
8.67	TO	8.76	0.85
8.77	TO	8.87	0.86
8.88	TO	8.97	0.87
8.98	TO	9.07	0.88
9.08	TO	9.17	0.89
9.18	TO	9.28	0.90
9.29	TO	9.38	0.91
9.39	TO	9.48	0.92
9.49	TO	9.58	0.93
9.59	TO	9.69	0.94
9.70	TO	9.79	0.95
9.80	TO	9.89	0.96
9.90	TO	9.99	0.97
10.00	TO	10.10	0.98

10% Tax Rate

IF TRANSACTION IS:			TAX IS:
0.01	TO	0.04	0.00
0.05	TO	0.14	0.01
0.15	TO	0.24	0.02
0.25	TO	0.34	0.03
0.35	TO	0.44	0.04
0.45	TO	0.54	0.05

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

1.39	TO	1.48	0.14
1.49	TO	1.58	0.15
1.59	TO	1.69	0.16
1.70	TO	1.79	0.17
1.80	TO	1.89	0.18
1.90	TO	1.99	0.19
2.00	TO	2.10	0.20
2.11	TO	2.20	0.21
2.21	TO	2.30	0.22
2.31	TO	2.41	0.23
2.42	TO	2.51	0.24
2.52	TO	2.61	0.25
2.62	TO	2.71	0.26
2.72	TO	2.82	0.27
2.83	TO	2.92	0.28
2.93	TO	3.02	0.29
3.03	TO	3.12	0.30
3.13	TO	3.23	0.31
3.24	TO	3.33	0.32
3.34	TO	3.43	0.33
3.44	TO	3.53	0.34
3.54	TO	3.64	0.35
3.65	TO	3.74	0.36
3.75	TO	3.84	0.37
3.85	TO	3.94	0.38
3.95	TO	4.05	0.39
4.06	TO	4.15	0.40
4.16	TO	4.25	0.41
4.26	TO	4.35	0.42
4.36	TO	4.46	0.43
4.47	TO	4.56	0.44
4.57	TO	4.66	0.45
4.67	TO	4.76	0.46
4.77	TO	4.87	0.47
4.88	TO	4.97	0.48
4.98	TO	5.07	0.49
5.08	TO	5.17	0.50
5.18	TO	5.28	0.51
5.29	TO	5.38	0.52
5.39	TO	5.48	0.53
5.49	TO	5.58	0.54
5.59	TO	5.69	0.55
5.70	TO	5.79	0.56
5.80	TO	5.89	0.57
5.90	TO	5.99	0.58
6.00	TO	6.10	0.59
6.11	TO	6.20	0.60
6.21	TO	6.30	0.61

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.55 TO 0.64 0.06
0.65 TO 0.74 0.07
0.75 TO 0.84 0.08
0.85 TO 0.94 0.09
0.95 TO 1.04 0.10
1.05 TO 1.14 0.11
1.15 TO 1.24 0.12
1.25 TO 1.34 0.13
1.35 TO 1.44 0.14
1.45 TO 1.54 0.15
1.55 TO 1.64 0.16
1.65 TO 1.74 0.17
1.75 TO 1.84 0.18
1.85 TO 1.94 0.19
1.95 TO 2.04 0.20
2.05 TO 2.14 0.21
2.15 TO 2.24 0.22
2.25 TO 2.34 0.23
2.35 TO 2.44 0.24
2.45 TO 2.54 0.25
2.55 TO 2.64 0.26
2.65 TO 2.74 0.27
2.75 TO 2.84 0.28
2.85 TO 2.94 0.29
2.95 TO 3.04 0.30
3.05 TO 3.14 0.31
3.15 TO 3.24 0.32
3.25 TO 3.34 0.33
3.35 TO 3.44 0.34
3.45 TO 3.54 0.35
3.55 TO 3.64 0.36
3.65 TO 3.74 0.37
3.75 TO 3.84 0.38
3.85 TO 3.94 0.39
3.95 TO 4.04 0.40
4.05 TO 4.14 0.41
4.15 TO 4.24 0.42
4.25 TO 4.34 0.43
4.35 TO 4.44 0.44
4.45 TO 4.54 0.45
4.55 TO 4.64 0.46
4.65 TO 4.74 0.47
4.75 TO 4.84 0.48
4.85 TO 4.94 0.49
4.95 TO 5.04 0.50
5.05 TO 5.14 0.51
5.15 TO 5.24 0.52
5.25 TO 5.34 0.53

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

5.35 TO 5.44 0.54
5.45 TO 5.54 0.55
5.55 TO 5.64 0.56
5.65 TO 5.74 0.57
5.75 TO 5.84 0.58
5.85 TO 5.94 0.59
5.95 TO 6.04 0.60
6.05 TO 6.14 0.61
6.15 TO 6.24 0.62
6.25 TO 6.34 0.63
6.35 TO 6.44 0.64
6.45 TO 6.54 0.65
6.55 TO 6.64 0.66
6.65 TO 6.74 0.67
6.75 TO 6.84 0.68
6.85 TO 6.94 0.69
6.95 TO 7.04 0.70
7.05 TO 7.14 0.71
7.15 TO 7.24 0.72
7.25 TO 7.34 0.73
7.35 TO 7.44 0.74
7.45 TO 7.54 0.75
7.55 TO 7.64 0.76
7.65 TO 7.74 0.77
7.75 TO 7.84 0.78
7.85 TO 7.94 0.79
7.95 TO 8.04 0.80
8.05 TO 8.14 0.81
8.15 TO 8.24 0.82
8.25 TO 8.34 0.83
8.35 TO 8.44 0.84
8.45 TO 8.54 0.85
8.55 TO 8.64 0.86
8.65 TO 8.74 0.87
8.75 TO 8.84 0.88
8.85 TO 8.94 0.89
8.95 TO 9.04 0.90
9.05 TO 9.14 0.91
9.15 TO 9.24 0.92
9.25 TO 9.34 0.93
9.35 TO 9.44 0.94
9.45 TO 9.54 0.95
9.55 TO 9.64 0.96
9.65 TO 9.74 0.97
9.75 TO 9.84 0.98
9.85 TO 9.94 0.99
9.95 TO 10.00 1.00

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

10 1/4% Tax Rate

IF TRANSACTION IS:
0.01 TO 0.04

TAX IS:

0.05 TO 0.14	0.01	4.35 TO 4.43	0.45
0.15 TO 0.24	0.02	4.44 TO 4.53	0.46
0.25 TO 0.34	0.03	4.54 TO 4.63	0.47
0.35 TO 0.43	0.04	4.64 TO 4.73	0.48
0.44 TO 0.53	0.05	4.74 TO 4.82	0.49
0.54 TO 0.63	0.06	4.83 TO 4.92	0.50
0.64 TO 0.73	0.07	4.93 TO 5.02	0.51
0.74 TO 0.82	0.08	5.03 TO 5.12	0.52
0.83 TO 0.92	0.09	5.13 TO 5.21	0.53
0.93 TO 1.02	0.10	5.22 TO 5.31	0.54
1.03 TO 1.12	0.11	5.32 TO 5.41	0.55
1.13 TO 1.21	0.12	5.42 TO 5.51	0.56
1.22 TO 1.31	0.13	5.52 TO 5.60	0.57
1.32 TO 1.41	0.14	5.61 TO 5.70	0.58
1.42 TO 1.51	0.15	5.71 TO 5.80	0.59
1.52 TO 1.60	0.16	5.81 TO 5.90	0.60
1.61 TO 1.70	0.17	5.91 TO 5.99	0.61
1.71 TO 1.80	0.18	6.00 TO 6.09	0.62
1.81 TO 1.90	0.19	6.10 TO 6.19	0.63
1.91 TO 1.99	0.20	6.20 TO 6.29	0.64
2.00 TO 2.09	0.21	6.30 TO 6.39	0.65
2.10 TO 2.19	0.22	6.40 TO 6.48	0.66
2.20 TO 2.29	0.23	6.49 TO 6.58	0.67
2.30 TO 2.39	0.24	6.59 TO 6.68	0.68
2.40 TO 2.48	0.25	6.69 TO 6.78	0.69
2.49 TO 2.58	0.26	6.79 TO 6.87	0.70
2.59 TO 2.68	0.27	6.88 TO 6.97	0.71
2.69 TO 2.78	0.28	6.98 TO 7.07	0.72
2.79 TO 2.87	0.29	7.08 TO 7.17	0.73
2.88 TO 2.97	0.30	7.18 TO 7.26	0.74
2.98 TO 3.07	0.31	7.27 TO 7.36	0.75
3.08 TO 3.17	0.32	7.37 TO 7.46	0.76
3.18 TO 3.26	0.33	7.47 TO 7.56	0.77
3.27 TO 3.36	0.34	7.57 TO 7.65	0.78
3.37 TO 3.46	0.35	7.66 TO 7.75	0.79
3.47 TO 3.56	0.36	7.76 TO 7.85	0.80
3.57 TO 3.65	0.37	7.86 TO 7.95	0.81
3.66 TO 3.75	0.38	7.96 TO 8.04	0.82
3.76 TO 3.85	0.39	8.05 TO 8.14	0.83
3.86 TO 3.95	0.40	8.15 TO 8.24	0.84
3.96 TO 4.04	0.41	8.25 TO 8.34	0.85
4.05 TO 4.14	0.42	8.35 TO 8.43	0.86
4.15 TO 4.24	0.43	8.44 TO 8.53	0.87
4.25 TO 4.34	0.44	8.54 TO 8.63	0.88
		8.64 TO 8.73	0.89
		8.74 TO 8.82	0.90
		8.83 TO 8.92	0.91
		8.93 TO 9.02	0.92

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

9.03 TO 9.12 0.93
9.13 TO 9.21 0.94
9.22 TO 9.31 0.95
9.32 TO 9.41 0.96
9.42 TO 9.51 0.97
9.52 TO 9.60 0.98
9.61 TO 9.70 0.99
9.71 TO 9.80 1.00
9.81 TO 9.90 1.01
9.91 TO 9.99 1.02
10.00 TO 10.09 1.03

10 1/2% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.04

TAX IS:

0.05 TO 0.14 0.00
0.15 TO 0.23 0.01
0.24 TO 0.33 0.02
0.34 TO 0.42 0.03
0.43 TO 0.52 0.04
0.53 TO 0.61 0.05
0.62 TO 0.71 0.06
0.72 TO 0.80 0.07
0.81 TO 0.90 0.08
0.91 TO 0.99 0.09
1.00 TO 1.09 0.10
1.10 TO 1.19 0.11
1.20 TO 1.28 0.12
1.29 TO 1.38 0.13
1.39 TO 1.47 0.14
1.48 TO 1.57 0.15
1.58 TO 1.66 0.16
1.67 TO 1.76 0.17
1.77 TO 1.85 0.18
1.86 TO 1.95 0.19
1.96 TO 2.04 0.20
2.05 TO 2.14 0.21
2.15 TO 2.23 0.22
2.24 TO 2.33 0.23
2.34 TO 2.42 0.24
2.43 TO 2.52 0.25
2.53 TO 2.61 0.26
2.62 TO 2.71 0.27
2.72 TO 2.80 0.28
2.81 TO 2.90 0.29
2.91 TO 2.99 0.30

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.00 TO 3.09 0.32
3.10 TO 3.19 0.33
3.20 TO 3.28 0.34
3.29 TO 3.38 0.35
3.39 TO 3.47 0.36
3.48 TO 3.57 0.37
3.58 TO 3.66 0.38
3.67 TO 3.76 0.39
3.77 TO 3.85 0.40
3.86 TO 3.95 0.41
3.96 TO 4.04 0.42
4.05 TO 4.14 0.43
4.15 TO 4.23 0.44
4.24 TO 4.33 0.45
4.34 TO 4.42 0.46
4.43 TO 4.52 0.47
4.53 TO 4.61 0.48
4.62 TO 4.71 0.49
4.72 TO 4.80 0.50
4.81 TO 4.90 0.51
4.91 TO 4.99 0.52
5.00 TO 5.09 0.53
5.10 TO 5.19 0.54
5.20 TO 5.28 0.55
5.29 TO 5.38 0.56
5.39 TO 5.47 0.57
5.48 TO 5.57 0.58
5.58 TO 5.66 0.59
5.67 TO 5.76 0.60
5.77 TO 5.85 0.61
5.86 TO 5.95 0.62
5.96 TO 6.04 0.63
6.05 TO 6.14 0.64
6.15 TO 6.23 0.65
6.24 TO 6.33 0.66
6.34 TO 6.42 0.67
6.43 TO 6.52 0.68
6.53 TO 6.61 0.69
6.62 TO 6.71 0.70
6.72 TO 6.80 0.71
6.81 TO 6.90 0.72
6.91 TO 6.99 0.73
7.00 TO 7.09 0.74
7.10 TO 7.19 0.75
7.20 TO 7.28 0.76
7.29 TO 7.38 0.77
7.39 TO 7.47 0.78
7.48 TO 7.57 0.79

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.58 TO	7.66	0.80
7.67 TO	7.76	0.81
7.77 TO	7.85	0.82
7.86 TO	7.95	0.83
7.96 TO	8.04	0.84
8.05 TO	8.14	0.85
8.15 TO	8.23	0.86
8.24 TO	8.33	0.87
8.34 TO	8.42	0.88
8.43 TO	8.52	0.89
8.53 TO	8.61	0.90
8.62 TO	8.71	0.91
8.72 TO	8.80	0.92
8.81 TO	8.90	0.93
8.91 TO	8.99	0.94
9.00 TO	9.09	0.95
9.10 TO	9.19	0.96
9.20 TO	9.28	0.97
9.29 TO	9.38	0.98
9.39 TO	9.47	0.99
9.48 TO	9.57	1.00
9.58 TO	9.66	1.01
9.67 TO	9.76	1.02
9.77 TO	9.85	1.03
9.86 TO	9.95	1.04
9.96 TO	10.00	1.05

10 3/4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01 TO 0.04	0.04	0.00
0.05 TO 0.13		0.01
0.14 TO 0.23		0.02
0.24 TO 0.32		0.03
0.33 TO 0.41		0.04
0.42 TO 0.51		0.05
0.52 TO 0.60		0.06
0.61 TO 0.69		0.07
0.70 TO 0.79		0.08
0.80 TO 0.88		0.09
0.89 TO 0.97		0.10
0.98 TO 1.06		0.11
1.07 TO 1.16		0.12
1.17 TO 1.25		0.13
1.26 TO 1.34		0.14
1.35 TO 1.44		0.15
1.45 TO 1.53		0.16

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1.54 TO	1.62	0.17
1.63 TO	1.72	0.18
1.73 TO	1.81	0.19
1.82 TO	1.90	0.20
1.91 TO	1.99	0.21
2.00 TO	2.09	0.22
2.10 TO	2.18	0.23
2.19 TO	2.27	0.24
2.28 TO	2.37	0.25
2.38 TO	2.46	0.26
2.47 TO	2.55	0.27
2.56 TO	2.65	0.28
2.66 TO	2.74	0.29
2.75 TO	2.83	0.30
2.84 TO	2.93	0.31
2.94 TO	3.02	0.32
3.03 TO	3.11	0.33
3.12 TO	3.20	0.34
3.21 TO	3.30	0.35
3.31 TO	3.39	0.36
3.40 TO	3.48	0.37
3.49 TO	3.58	0.38
3.59 TO	3.67	0.39
3.68 TO	3.76	0.40
3.77 TO	3.86	0.41
3.87 TO	3.95	0.42
3.96 TO	4.04	0.43
4.05 TO	4.13	0.44
4.14 TO	4.23	0.45
4.24 TO	4.32	0.46
4.33 TO	4.41	0.47
4.42 TO	4.51	0.48
4.52 TO	4.60	0.49
4.61 TO	4.69	0.50
4.70 TO	4.79	0.51
4.80 TO	4.88	0.52
4.89 TO	4.97	0.53
4.98 TO	5.06	0.54
5.07 TO	5.16	0.55
5.17 TO	5.25	0.56
5.26 TO	5.34	0.57
5.35 TO	5.44	0.58
5.45 TO	5.53	0.59
5.54 TO	5.62	0.60
5.63 TO	5.72	0.61
5.73 TO	5.81	0.62
5.82 TO	5.90	0.63
5.91 TO	5.99	0.64

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

IF TRANSACTION IS:		TAX IS:	
0.01	0.04	0.00	0.00
0.05	TO 0.13	0.01	0.01
0.14	TO 0.22	0.02	0.02
0.23	TO 0.31	0.03	0.03
0.32	TO 0.40	0.04	0.04
0.41	TO 0.49	0.05	0.05
0.50	TO 0.59	0.06	0.06
0.60	TO 0.68	0.07	0.07
0.69	TO 0.77	0.08	0.08
0.78	TO 0.86	0.09	0.09
0.87	TO 0.95	0.10	0.10
0.96	TO 1.04	0.11	0.11
1.05	TO 1.13	0.12	0.12
1.14	TO 1.22	0.13	0.13
1.23	TO 1.31	0.14	0.14
1.32	TO 1.40	0.15	0.15
1.41	TO 1.49	0.16	0.16
1.50	TO 1.59	0.17	0.17
1.60	TO 1.68	0.18	0.18
1.69	TO 1.77	0.19	0.19
1.78	TO 1.86	0.20	0.20
1.87	TO 1.95	0.21	0.21
1.96	TO 2.04	0.22	0.22
2.05	TO 2.13	0.23	0.23
2.14	TO 2.22	0.24	0.24
2.23	TO 2.31	0.25	0.25
2.32	TO 2.40	0.26	0.26
2.41	TO 2.49	0.27	0.27
2.50	TO 2.59	0.28	0.28
2.60	TO 2.68	0.29	0.29
2.69	TO 2.77	0.30	0.30
2.78	TO 2.86	0.31	0.31
2.87	TO 2.95	0.32	0.32
2.96	TO 3.04	0.33	0.33
3.05	TO 3.13	0.34	0.34
3.14	TO 3.22	0.35	0.35
3.23	TO 3.31	0.36	0.36
3.32	TO 3.40	0.37	0.37
3.41	TO 3.49	0.38	0.38
3.50	TO 3.59	0.39	0.39
3.60	TO 3.68	0.40	0.40
3.69	TO 3.77	0.41	0.41
3.78	TO 3.86	0.42	0.42
3.87	TO 3.95	0.43	0.43
3.96	TO 4.04	0.44	0.44
4.05	TO 4.13	0.45	0.45
4.14	TO 4.22	0.46	0.46

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

6.00	TO	6.09	0.65
6.10	TO	6.18	0.66
6.19	TO	6.27	0.67
6.28	TO	6.37	0.68
6.38	TO	6.46	0.69
6.47	TO	6.55	0.70
6.56	TO	6.65	0.71
6.66	TO	6.74	0.72
6.75	TO	6.83	0.73
6.84	TO	6.93	0.74
6.94	TO	7.02	0.75
7.03	TO	7.11	0.76
7.12	TO	7.20	0.77
7.21	TO	7.30	0.78
7.31	TO	7.39	0.79
7.40	TO	7.48	0.80
7.49	TO	7.58	0.81
7.59	TO	7.67	0.82
7.68	TO	7.76	0.83
7.77	TO	7.86	0.84
7.87	TO	7.95	0.85
7.96	TO	8.04	0.86
8.05	TO	8.13	0.87
8.14	TO	8.23	0.88
8.24	TO	8.32	0.89
8.33	TO	8.41	0.90
8.42	TO	8.51	0.91
8.52	TO	8.60	0.92
8.61	TO	8.69	0.93
8.70	TO	8.79	0.94
8.80	TO	8.88	0.95
8.89	TO	8.97	0.96
8.98	TO	9.06	0.97
9.07	TO	9.16	0.98
9.17	TO	9.25	0.99
9.26	TO	9.34	1.00
9.35	TO	9.44	1.01
9.45	TO	9.53	1.02
9.54	TO	9.62	1.03
9.63	TO	9.72	1.04
9.73	TO	9.81	1.05
9.82	TO	9.90	1.06
9.91	TO	9.99	1.07
10.00	TO	10.09	1.08

11% Tax Rate

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.23	TO	4.31	0.47
4.32	TO	4.40	0.48
4.41	TO	4.49	0.49
4.50	TO	4.59	0.50
4.60	TO	4.68	0.51
4.69	TO	4.77	0.52
4.78	TO	4.86	0.53
4.87	TO	4.95	0.54
4.96	TO	5.04	0.55
5.05	TO	5.13	0.56
5.14	TO	5.22	0.57
5.23	TO	5.31	0.58
5.32	TO	5.40	0.59
5.41	TO	5.49	0.60
5.50	TO	5.59	0.61
5.60	TO	5.68	0.62
5.69	TO	5.77	0.63
5.78	TO	5.86	0.64
5.87	TO	5.95	0.65
5.96	TO	6.04	0.66
6.05	TO	6.13	0.67
6.14	TO	6.22	0.68
6.23	TO	6.31	0.69
6.32	TO	6.40	0.70
6.41	TO	6.49	0.71
6.50	TO	6.59	0.72
6.60	TO	6.68	0.73
6.69	TO	6.77	0.74
6.78	TO	6.86	0.75
6.87	TO	6.95	0.76
6.96	TO	7.04	0.77
7.05	TO	7.13	0.78
7.14	TO	7.22	0.79
7.23	TO	7.31	0.80
7.32	TO	7.40	0.81
7.41	TO	7.49	0.82
7.50	TO	7.59	0.83
7.60	TO	7.68	0.84
7.69	TO	7.77	0.85
7.78	TO	7.86	0.86
7.87	TO	7.95	0.87
7.96	TO	8.04	0.88
8.05	TO	8.13	0.89
8.14	TO	8.22	0.90
8.23	TO	8.31	0.91
8.32	TO	8.40	0.92
8.41	TO	8.49	0.93
8.50	TO	8.59	0.94

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

8.60	TO	8.68	0.95
8.69	TO	8.77	0.96
8.78	TO	8.86	0.97
8.87	TO	8.95	0.98
8.96	TO	9.04	0.99
9.05	TO	9.13	1.00
9.14	TO	9.22	1.01
9.23	TO	9.31	1.02
9.32	TO	9.40	1.03
9.41	TO	9.49	1.04
9.50	TO	9.59	1.05
9.60	TO	9.68	1.06
9.69	TO	9.77	1.07
9.78	TO	9.86	1.08
9.87	TO	9.95	1.09
9.96	TO	10.00	1.10

11 1/4% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.04

TAX IS:

0.05	TO	0.13	0.00
0.14	TO	0.22	0.01
0.23	TO	0.31	0.02
0.32	TO	0.39	0.03
0.40	TO	0.48	0.04
0.49	TO	0.57	0.05
0.58	TO	0.66	0.06
0.67	TO	0.75	0.07
0.76	TO	0.84	0.08
0.85	TO	0.93	0.09
0.94	TO	1.02	0.10
1.03	TO	1.11	0.11
1.12	TO	1.19	0.12
1.20	TO	1.28	0.13
1.29	TO	1.37	0.14
1.38	TO	1.46	0.15
1.47	TO	1.55	0.16
1.56	TO	1.64	0.17
1.65	TO	1.73	0.18
1.74	TO	1.82	0.19
1.83	TO	1.91	0.20
1.92	TO	1.99	0.21
2.00	TO	2.08	0.22
2.09	TO	2.17	0.23
2.18	TO	2.26	0.24
2.27	TO	2.35	0.25
			0.26

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

2.36 TO 2.44 0.27
2.45 TO 2.53 0.28
2.54 TO 2.62 0.29
2.63 TO 2.71 0.30
2.72 TO 2.79 0.31
2.80 TO 2.88 0.32
2.89 TO 2.97 0.33
2.98 TO 3.06 0.34
3.07 TO 3.15 0.35
3.16 TO 3.24 0.36
3.25 TO 3.33 0.37
3.34 TO 3.42 0.38
3.43 TO 3.51 0.39
3.52 TO 3.59 0.40
3.60 TO 3.68 0.41
3.69 TO 3.77 0.42
3.78 TO 3.86 0.43
3.87 TO 3.95 0.44
3.96 TO 4.04 0.45
4.05 TO 4.13 0.46
4.14 TO 4.22 0.47
4.23 TO 4.31 0.48
4.32 TO 4.39 0.49
4.40 TO 4.48 0.50
4.49 TO 4.57 0.51
4.58 TO 4.66 0.52
4.67 TO 4.75 0.53
4.76 TO 4.84 0.54
4.85 TO 4.93 0.55
4.94 TO 5.02 0.56
5.03 TO 5.11 0.57
5.12 TO 5.19 0.58
5.20 TO 5.28 0.59
5.29 TO 5.37 0.60
5.38 TO 5.46 0.61
5.47 TO 5.55 0.62
5.56 TO 5.64 0.63
5.65 TO 5.73 0.64
5.74 TO 5.82 0.65
5.83 TO 5.91 0.66
5.92 TO 5.99 0.67
6.00 TO 6.08 0.68
6.09 TO 6.17 0.69
6.18 TO 6.26 0.70
6.27 TO 6.35 0.71
6.36 TO 6.44 0.72
6.45 TO 6.53 0.73
6.54 TO 6.62 0.74

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

6.63 TO 6.71 0.75
6.72 TO 6.79 0.76
6.80 TO 6.88 0.77
6.89 TO 6.97 0.78
6.98 TO 7.06 0.79
7.07 TO 7.15 0.80
7.16 TO 7.24 0.81
7.25 TO 7.33 0.82
7.34 TO 7.42 0.83
7.43 TO 7.51 0.84
7.52 TO 7.59 0.85
7.60 TO 7.68 0.86
7.69 TO 7.77 0.87
7.78 TO 7.86 0.88
7.87 TO 7.95 0.89
7.96 TO 8.04 0.90
8.05 TO 8.13 0.91
8.14 TO 8.22 0.92
8.23 TO 8.31 0.93
8.32 TO 8.39 0.94
8.40 TO 8.48 0.95
8.49 TO 8.57 0.96
8.58 TO 8.66 0.97
8.67 TO 8.75 0.98
8.76 TO 8.84 0.99
8.85 TO 8.93 1.00
8.94 TO 9.02 1.01
9.03 TO 9.11 1.02
9.12 TO 9.19 1.03
9.20 TO 9.28 1.04
9.29 TO 9.37 1.05
9.38 TO 9.46 1.06
9.47 TO 9.55 1.07
9.56 TO 9.64 1.08
9.65 TO 9.73 1.09
9.74 TO 9.82 1.10
9.83 TO 9.91 1.11
9.90 TO 9.99 1.12
10.00 TO 10.08 1.13

11 1/2% Tax Rate

IF TRANSACTION IS: TAX IS:
0.01 TO 0.04 0.00
0.05 TO 0.13 0.01
0.14 TO 0.21 0.02
0.22 TO 0.30 0.03

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

0.31 TO 0.39
0.40 TO 0.47
0.48 TO 0.56
0.57 TO 0.65
0.66 TO 0.73
0.74 TO 0.82
0.83 TO 0.91
0.92 TO 0.99
1.00 TO 1.08
1.09 TO 1.17
1.18 TO 1.26
1.27 TO 1.34
1.35 TO 1.43
1.44 TO 1.52
1.53 TO 1.60
1.61 TO 1.69
1.70 TO 1.78
1.79 TO 1.86
1.87 TO 1.95
1.96 TO 2.04
2.05 TO 2.13
2.14 TO 2.21
2.22 TO 2.30
2.31 TO 2.39
2.40 TO 2.47
2.48 TO 2.56
2.57 TO 2.65
2.66 TO 2.73
2.74 TO 2.82
2.83 TO 2.91
2.92 TO 2.99
3.00 TO 3.08
3.09 TO 3.17
3.18 TO 3.26
3.27 TO 3.34
3.35 TO 3.43
3.44 TO 3.52
3.53 TO 3.60
3.61 TO 3.69
3.70 TO 3.78
3.79 TO 3.86
3.87 TO 3.95
3.96 TO 4.04
4.05 TO 4.13
4.14 TO 4.21
4.22 TO 4.30
4.31 TO 4.39
4.40 TO 4.47

0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

4.48 TO 4.56
4.57 TO 4.65
4.66 TO 4.73
4.74 TO 4.82
4.83 TO 4.91
4.92 TO 4.99
5.00 TO 5.08
5.09 TO 5.17
5.18 TO 5.26
5.27 TO 5.34
5.35 TO 5.43
5.44 TO 5.52
5.53 TO 5.60
5.61 TO 5.69
5.70 TO 5.78
5.79 TO 5.86
5.87 TO 5.95
5.96 TO 6.04
6.05 TO 6.13
6.14 TO 6.21
6.22 TO 6.30
6.31 TO 6.39
6.40 TO 6.47
6.48 TO 6.56
6.57 TO 6.65
6.66 TO 6.73
6.74 TO 6.82
6.83 TO 6.91
6.92 TO 6.99
7.00 TO 7.08
7.09 TO 7.17
7.18 TO 7.26
7.27 TO 7.34
7.35 TO 7.43
7.44 TO 7.52
7.53 TO 7.60
7.61 TO 7.69
7.70 TO 7.78
7.79 TO 7.86
7.87 TO 7.95
7.96 TO 8.04
8.05 TO 8.13
8.14 TO 8.21
8.22 TO 8.30
8.31 TO 8.39
8.40 TO 8.47
8.48 TO 8.56
8.57 TO 8.65

0.52
0.53
0.54
0.55
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0.72
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0.74
0.75
0.76
0.77
0.78
0.79
0.80
0.81
0.82
0.83
0.84
0.85
0.86
0.87
0.88
0.89
0.90
0.91
0.92
0.93
0.94
0.95
0.96
0.97
0.98
0.99

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

2.26	TO	2.34	0.27
2.35	TO	2.42	0.28
2.43	TO	2.51	0.29
2.52	TO	2.59	0.30
2.60	TO	2.68	0.31
2.69	TO	2.76	0.32
2.77	TO	2.85	0.33
2.86	TO	2.93	0.34
2.94	TO	3.02	0.35
3.03	TO	3.10	0.36
3.11	TO	3.19	0.37
3.20	TO	3.27	0.38
3.28	TO	3.36	0.39
3.37	TO	3.44	0.40
3.45	TO	3.53	0.41
3.54	TO	3.61	0.42
3.62	TO	3.70	0.43
3.71	TO	3.78	0.44
3.79	TO	3.87	0.45
3.88	TO	3.95	0.46
3.96	TO	4.04	0.47
4.05	TO	4.12	0.48
4.13	TO	4.21	0.49
4.22	TO	4.29	0.50
4.30	TO	4.38	0.51
4.39	TO	4.46	0.52
4.47	TO	4.55	0.53
4.56	TO	4.63	0.54
4.64	TO	4.72	0.55
4.73	TO	4.80	0.56
4.81	TO	4.89	0.57
4.90	TO	4.97	0.58
4.98	TO	5.06	0.59
5.07	TO	5.14	0.60
5.15	TO	5.23	0.61
5.24	TO	5.31	0.62
5.32	TO	5.40	0.63
5.41	TO	5.48	0.64
5.49	TO	5.57	0.65
5.58	TO	5.65	0.66
5.66	TO	5.74	0.67
5.75	TO	5.82	0.68
5.83	TO	5.91	0.69
5.92	TO	5.99	0.70
6.00	TO	6.08	0.71
6.09	TO	6.17	0.72
6.18	TO	6.25	0.73
6.26	TO	6.34	0.74

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

8.66	TO	8.73	1.00
8.74	TO	8.82	1.01
8.83	TO	8.91	1.02
8.92	TO	8.99	1.03
9.00	TO	9.08	1.04
9.09	TO	9.17	1.05
9.18	TO	9.26	1.06
9.27	TO	9.34	1.07
9.35	TO	9.43	1.08
9.44	TO	9.52	1.09
9.53	TO	9.60	1.10
9.61	TO	9.69	1.11
9.70	TO	9.78	1.12
9.79	TO	9.86	1.13
9.87	TO	9.95	1.14
9.96	TO	10.00	1.15

11 3/4% Tax Rate

TAX IS:

IF TRANSACTION IS:
0.01 0.00 TO 0.04

0.05	TO	0.12	0.00
0.13	TO	0.21	0.01
0.22	TO	0.29	0.02
0.30	TO	0.38	0.03
0.39	TO	0.46	0.04
0.47	TO	0.55	0.05
0.56	TO	0.63	0.06
0.64	TO	0.72	0.07
0.73	TO	0.80	0.08
0.81	TO	0.89	0.09
0.90	TO	0.97	0.10
0.98	TO	1.06	0.11
1.07	TO	1.14	0.12
1.15	TO	1.23	0.13
1.24	TO	1.31	0.14
1.32	TO	1.40	0.15
1.41	TO	1.48	0.16
1.49	TO	1.57	0.17
1.58	TO	1.65	0.18
1.66	TO	1.74	0.19
1.75	TO	1.82	0.20
1.83	TO	1.91	0.21
1.92	TO	1.99	0.22
2.00	TO	2.08	0.23
2.09	TO	2.17	0.24
2.18	TO	2.25	0.25
			0.26

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

IF TRANSACTION IS:

0.01 0.00 TO 0.04

TAX IS:

0.00

0.01

0.02

0.03

0.04

0.05

0.06

0.07

0.08

0.09

0.10

0.11

0.12

0.13

0.14

0.15

0.16

0.17

0.18

0.19

0.20

0.21

0.22

0.23

0.24

0.25

0.26

0.27

0.28

0.29

0.30

0.31

0.32

0.33

0.34

0.35

0.36

0.37

0.38

0.39

0.40

0.41

0.42

0.43

0.44

0.45

0.46

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

6.35 TO 6.42

6.43 TO 6.51

6.52 TO 6.59

6.60 TO 6.68

6.69 TO 6.76

6.77 TO 6.85

6.86 TO 6.93

6.94 TO 7.02

7.03 TO 7.10

7.11 TO 7.19

7.20 TO 7.27

7.28 TO 7.36

7.37 TO 7.44

7.45 TO 7.53

7.54 TO 7.61

7.62 TO 7.70

7.71 TO 7.78

7.79 TO 7.87

7.88 TO 7.95

7.96 TO 8.04

8.05 TO 8.12

8.13 TO 8.21

8.22 TO 8.29

8.30 TO 8.38

8.39 TO 8.46

8.47 TO 8.55

8.56 TO 8.63

8.64 TO 8.72

8.73 TO 8.80

8.81 TO 8.89

8.90 TO 8.97

8.98 TO 9.06

9.07 TO 9.14

9.15 TO 9.23

9.24 TO 9.31

9.32 TO 9.40

9.41 TO 9.48

9.49 TO 9.57

9.58 TO 9.65

9.66 TO 9.74

9.75 TO 9.82

9.83 TO 9.91

9.92 TO 9.99

10.00 TO 10.08

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

3.88 TO	3.95	0.47
3.96 TO	4.04	0.48
4.05 TO	4.12	0.49
4.13 TO	4.20	0.50
4.21 TO	4.29	0.51
4.30 TO	4.37	0.52
4.38 TO	4.45	0.53
4.46 TO	4.54	0.54
4.55 TO	4.62	0.55
4.63 TO	4.70	0.56
4.71 TO	4.79	0.57
4.80 TO	4.87	0.58
4.88 TO	4.95	0.59
4.96 TO	5.04	0.60
5.05 TO	5.12	0.61
5.13 TO	5.20	0.62
5.21 TO	5.29	0.63
5.30 TO	5.37	0.64
5.38 TO	5.45	0.65
5.46 TO	5.54	0.66
5.55 TO	5.62	0.67
5.63 TO	5.70	0.68
5.71 TO	5.79	0.69
5.80 TO	5.87	0.70
5.88 TO	5.95	0.71
5.96 TO	6.04	0.72
6.05 TO	6.12	0.73
6.13 TO	6.20	0.74
6.21 TO	6.29	0.75
6.30 TO	6.37	0.76
6.38 TO	6.45	0.77
6.46 TO	6.54	0.78
6.55 TO	6.62	0.79
6.63 TO	6.70	0.80
6.71 TO	6.79	0.81
6.80 TO	6.87	0.82
6.88 TO	6.95	0.83
6.96 TO	7.04	0.84
7.05 TO	7.12	0.85
7.13 TO	7.20	0.86
7.21 TO	7.29	0.87
7.30 TO	7.37	0.88
7.38 TO	7.45	0.89
7.46 TO	7.54	0.90
7.55 TO	7.62	0.91
7.63 TO	7.70	0.92
7.71 TO	7.79	0.93
7.80 TO	7.87	0.94

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

7.88 TO	7.95	0.95
7.96 TO	8.04	0.96
8.05 TO	8.12	0.97
8.13 TO	8.20	0.98
8.21 TO	8.29	0.99
8.30 TO	8.37	1.00
8.38 TO	8.45	1.01
8.46 TO	8.54	1.02
8.55 TO	8.62	1.03
8.63 TO	8.70	1.04
8.71 TO	8.79	1.05
8.80 TO	8.87	1.06
8.88 TO	8.95	1.07
8.96 TO	9.04	1.08
9.05 TO	9.12	1.09
9.13 TO	9.20	1.10
9.21 TO	9.29	1.11
9.30 TO	9.37	1.12
9.38 TO	9.45	1.13
9.46 TO	9.54	1.14
9.55 TO	9.62	1.15
9.63 TO	9.70	1.16
9.71 TO	9.79	1.17
9.80 TO	9.87	1.18
9.88 TO	9.95	1.19
9.96 TO	10.00	1.20

(Source: Amended NOV 25 1998)

21 670 effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Emergency Action:
113.1 Amended

4) Statutory Authority: Section 12-13 and Article III of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]

5) Effective Date of Amendments: November 24, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: November 24, 1998

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This rule is being filed as an Emergency Rule because the Social Security Administration will shortly be making final judgments on applications and other cases determining whether persons 65 or older who do not meet SSI citizenship requirements are disabled. For those that are determined "not disabled", the Department wants to be ready to provide benefits through the extension authorized by this rule.

10) A Complete Description of the Subject and Issues Involved: This amendment expands the eligibility criterion for participation in the Aid to the Aged, Blind or Disabled program. Department policy is to provide assistance to noncitizens over age 65 legally present in the United States but ineligible for Social Security Income (SSI) because of Federal legislation to limit SSI to non-citizens.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
<u>EMERGENCY</u>	
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section		Income	Date of
113.100	Unearned Income		
113.101	Budgeting Unearned Income		
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision		
113.103	Initial Receipt of Unearned Income		
113.104	Termination of Unearned Income		
113.105	Unearned Income In-Kind		
113.106	Earmarked Income		
113.107	Lump Sum Payments and Income Tax Refunds		
113.108	Protected Income (Repealed)		
113.109	Earned Income (Repealed)		
113.110	Budgeting Earned Income (Repealed)		
113.111	Protected Income		
113.112	Earned Income		
113.113	Exempt Unearned Income		
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision		

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment

113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)

113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)

113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 6956, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750 effective November 24, 1998, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 113.1 Description of the Assistance Program
EMERGENCY

The Aid to the Aged, Blind, or Disabled program provides financial assistance, medical assistance and social services to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration. Financial aid is available under this program only for persons who are receiving Supplemental Security Income (SSI) or who have been found ineligible for SSI on the basis of income and who meet all other eligibility standards. In addition, non-citizens age 65 or older who meet the citizenship requirements of 89 Ill. Adm. Code 113.10, were legally present in the United States on August 22, 1996, and who have been found "not disabled" by the Social Security Administration are eligible even if they do not receive SSI.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective November 24, 1998, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

1. Community Care Program (89 Ill Adm Code 240)
-First Notice Published: 22 Ill Reg 9623 - 6/12/98
-Expiration of Second Notice: 12/20/98

Agriculture

2. Meat and Poultry Inspection Act (8 Ill Adm Code 125)
-First Notice Published: 22 Ill Reg 16391 - 9/18/98
-Expiration of Second Notice: 1/2/99

Central Management Services

3. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 22 Ill Reg 16397 - 9/18/98
-Expiration of Second Notice: 12/19/98

Children and Family Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

4. Repeal of Client Service Planning (89 Ill Adm Code 305)
-First Notice Published: 22 Ill Reg 7736 - 5/8/98
-Expiration of Second Notice: 1/8/99

5. Permanency Planning (89 Ill Adm Code 315)
-First Notice Published: 22 Ill Reg 7770 - 5/8/98
-Expiration of Second Notice: 1/8/99

6. Administrative Case Reviews and Court Hearings (89 Ill Adm Code 316)
-First Notice Published: 22 Ill Reg 8597 - 5/22/98
-Expiration of Second Notice: 1/8/99

Commerce Commission

7. Uniform System of Accounts for Electric Utilities (83 Ill Adm Code 415)
-First Notice Published: 22 Ill Reg 16091 - 9/11/98
-Expiration of Second Notice: 1/6/99

8. Uniform System of Accounts for Gas Utilities (83 Ill Adm Code 505)
-First Notice Published: 22 Ill Reg 16095 - 9/11/98
-Expiration of Second Notice: 1/6/99

9. Tariff Filings (83 Ill Adm Code 745)
-First Notice Published: 22 Ill Reg 10951 - 6/26/98
-Expiration of Second Notice: 12/24/98

Employment Security

10. Determination of Unemployment Contributions (56 Ill Adm Code 2770)
-First Notice Published: 22 Ill Reg 17180 - 10/2/98
-Expiration of Second Notice: 1/1/99

Human Services

11. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 13286 - 7/24/98
-Expiration of Second Notice: 12/22/98

12. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 16135 - 9/11/98
-Expiration of Second Notice: 12/31/98

13. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 22 Ill Reg 16131 - 9/11/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

- Expiration of Second Notice: 12/31/98
14. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 22 Ill Reg 16133 - 9/11/98
-Expiration of Second Notice: 12/31/98
 15. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)
-First Notice Published: 22 Ill Reg 15881 - 9/4/98
-Expiration of Second Notice: 12/16/98
 16. Customer Financial Participation (89 Ill Adm Code 562)
-First Notice Published: 22 Ill Reg 16410 - 9/18/98
-Expiration of Second Notice: 12/24/98
 17. Comparable Benefits (89 Ill Adm Code 567)
-First Notice Published: 22 Ill Reg 15894 - 9/4/98
-Expiration of Second Notice: 12/24/98
 18. Individualized Written Rehabilitation Program (IWRP) (89 Ill Adm Code 572)
-First Notice Published: 22 Ill Reg 15912 - 9/4/98
-Expiration of Second Notice: 12/16/98
 19. Closure (89 Ill Adm Code 617)
-First Notice Published: 22 Ill Reg 15887 - 9/4/98
-Expiration of Second Notice: 12/24/98
 20. Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill Adm Code 679)
-First Notice Published: 22 Ill Reg 15899 - 9/4/98
-Expiration of Second Notice: 12/30/98
- Insurance
21. General Provisions (50 Ill Adm Code 2500)
-First Notice Published: 22 Ill Reg 16946 - 9/25/98
-Expiration of Second Notice: 1/6/99
 22. Fees and Charges (50 Ill Adm Code 2505)
-First Notice Published: 22 Ill Reg 16936 - 9/25/98
-Expiration of Second Notice: 1/6/99
 23. Annual Privilege Tax (50 Ill Adm Code 2510)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

- First Notice Published: 22 Ill Reg 16873 - 9/25/98
-Expiration of Second Notice: 1/6/99
24. Annual Retaliatory Tax (50 Ill Adm Code 2515)
-First Notice Published: 22 Ill Reg 16910 - 9/25/98
-Expiration of Second Notice: 1/6/99
 25. Annual State Fire Marshal Tax (50 Ill Adm Code 2520)
-First Notice Published: 22 Ill Reg 16926 - 9/25/98
-Expiration of Second Notice: 1/6/99
 26. Overpayments, Refunds, Amendments and Penalties (50 Ill Adm Code 2525)
-First Notice Published: 22 Ill Reg 16956 - 9/25/98
-Expiration of Second Notice: 1/6/99
- Labor
27. Health and Safety (56 Ill Adm Code 350)
-First Notice Published: 22 Ill Reg 8283 - 5/15/98
-Expiration of Second Notice: 12/21/98
- Natural Resources
28. Off-Highway Vehicle Recreational Trails Grant Program (17 Ill Adm Code 3045)
-First Notice Published: 22 Ill Reg 17291 - 10/2/98
-Expiration of Second Notice: 1/8/99
- Nuclear Safety
30. Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 401)
-First Notice Published: 22 Ill Reg 16417 - 9/18/98
-Expiration of Second Notice: 12/23/98
- Public Aid
31. Special Eligibility Groups (89 Ill Adm Code 118)
-First Notice Published: 22 Ill Reg 15514 - 8/28/98
-Expiration of Second Notice: 1/6/99
 32. Children's Health Insurance Program (89 Ill Adm Code 125)
-First Notice Published: 22 Ill Reg 15511 - 8/28/98
-Expiration of Second Notice: 1/6/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

Public Health

33. Private Sewage Disposal Code (77 Ill Adm Code 905)
-First Notice Published: 22 Ill Reg 6595 - 4/10/98
-Expiration of Second Notice: 12/31/98

Secretary of State

34. Procedures and Standards (92 Ill Adm Code 1001)
-First Notice Published: 22 Ill Reg 16989 - 9/25/98
-Expiration of Second Notice: 12/27/98

Student Assistance Commission

35. Illinois Prepaid Tuition Program (23 Ill Adm Code 2775)
-First Notice Published: 22 Ill Reg 16444 - 9/18/98
-Expiration of Second Notice: 1/8/99

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

36. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 22 Ill Reg 20645 - 11/30/98

Central Management Services

37. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 22 Ill Reg 19943 - 11/13/98
38. Pay Plan (80 Ill Adm Code 310) (Peremptory)
-Notice Published: 22 Ill Reg 20406 - 11/20/98

Elections

39. Procurement (44 Ill Adm Code 2600) (Emergency)
-Notice Published: 22 Ill Reg 20642 - 11/30/98

Human Services

40. Sexually Violent Persons (59 Ill Adm Code 299) (Emergency)
-Notice Published: 22 Ill Reg 19608 - 11/6/98

41. Food Stamps (89 Ill Adm Code 121) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
DECEMBER 15, 1998

-Notice Published: 22 Ill Reg 19934 - 11/13/98

AGENCY RESPONSESCommerce Commission

42. Electric Reliability (83 Ill Adm Code 411)
43. Non-Discrimination in Affiliate Transactions for Electric Utilities (83 Ill Adm Code 450)

Financial Institutions

44. Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community And Ambulatory Currency Exchanges (38 Ill Adm Code 130)

Professional Regulation

45. The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)

Transportation

46. Contract Procurement (44 Ill Adm Code 660)

**JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY**

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 24, 1998 through November 30, 1998 and have been scheduled for review by the Committee at its December 15, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/8/99	Illinois Student Assistance Commission, Illinois Prepaid Tuition Program (23 Ill Adm Code 2775)	9/18/98 22 Ill Reg 16444	12/15/98
1/8/99	Department of Natural Resources, Off-Highway Vehicle Recreational Trails Grant Program (17 Ill Adm Code 3045)	10/2/98 22 Ill Reg 17291	12/15/98
1/8/99	Department of Children and Family Services, Administrative Case Reviews And Court Hearings (89 Ill Adm Code 316)	5/22/98 22 Ill Reg 8597	12/15/98
1/8/99	Department of Children and Family Services, Permanency Planning (89 Ill Adm Code 315)	5/8/98 22 Ill Reg 7770	12/15/98
1/8/99	Department of Children and Family Services, Repeal of Client Service Planning (89 Ill Adm Code 305)	5/8/98 22 Ill Reg 7736	12/15/98

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntalac@ccgate.sos.state.il.us (Internet address).

PROPOSED

68-1140-50	23-575-46	68-1140-50	77-672-42
2-1025R-42	26-216-44	68-1200-49	77-750-42
2-1026R-42	35-252-43	68-1220-42	77-775-48
2-1175R-42	35-256-42	68-1250-43	77-890-50
2-1175-42	35-506-48	68-1310-49	77-2055-42
2-1176R-42	35-740-45	68-1315-42	80-305-50
2-1176-42	35-830-49	68-1470-43	80-310-48
2-1276R-42	35-831-49	77-597-48	80-1650-42
4-300-42	41-100-50	80-310-48	80-2800-47
11-100-43	41-170-50	80-1540-45	83-410-47
17-810-48	44-1-49	80-1650-49	83-411-47
23-25-46	44-10-48	86-100-45	83-450-47
23-145-46	44-525R-49	86-106-47	83-595-47
23-165-45	44-526-49	86-750-49	86-100-42, 50
23-260-46	44-650-47	89-113-50	86-130-46, 50
23-1038-43	44-660-49	89-121-46, 47, 50	86-150-50
23-3070-49	44-950-47	89-140-48	86-500-47
32-350-49	44-980-46	89-146-49	86-530-46
32-351-49	44-1500-50	89-160-49	86-3000-45
32-390-49	44-1600-50	89-309-44	89-10-46
32-410-42	44-2000-47	89-312-50	89-20-46
35-611-50	44-5000-48	89-376-47	89-50-49
35-703-42	50-1406-47	89-378-47	89-112-46
35-720-42	50-4201-42	89-512-45	89-113-42
35-721-42	59-50-44	89-515-43	89-114-46
35-724-42	62-1701-47	89-681-42	89-117-42
35-725-42	62-1761-47	89-682-42	89-120-46
35-728-42	62-1764-47	89-880R-45	89-121-46, 47
35-738-42	62-1773-47	92-386-46	89-140-42, 46
35-739-42	62-1774-47	92-390-46	89-146-46
35-811-50	62-1778-47	92-391-46	89-148-50
38-360-46	62-1785-47	92-392-46	89-149-46
41-140-50	62-1800-47	92-393-46	89-153-46
41-200-50	62-1816-47	92-395-46	89-300-42
44-2600-48	62-1817-47	92-396-46	89-302-50
47-110-49	62-1823-47	92-397-46	89-304-42
47-360-47	62-1825-47		89-437-50
47-371-50	62-1840-47	ADOPTED	89-676-45
50-926-43	62-1847-47	2-6000-45	89-716-43
59-111-45	62-1850-47	17-710-45	89-684-42
59-299-45	68-1245-46	20-720-43	89-686-43
62-120R-42	68-1300-43	23-25-46	89-716-42
62-1701-49	68-1370-46	23-56-46	92-440-44
62-1784-49	71-100-47	23-145-46	
62-1817-49	77-661-49	23-260-46	

